1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
2
UNITED STATES OF AMERICA, )
3 Plaintiff, ) 14-CR-00026 (ARR)
)
4 )
V. ) United States Courthouse
5 ) Brooklyn, New York
)
6 VINCENT ASARO, ) TUESDAY, OCTOBER 20, 2015
) 9:30 a.m.
7 Defendant. )
_____)
8

9 TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE ALLYNE R. ROSS
10 SENIOR UNITED STATES DISTRICT JUDGE

11 APPEARANCES:
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Proceedings recorded by mechanical stenography, transcript
25 produced by Computer-Assisted Transcript.

1 THE COURT: Please be seated, sit, sit.
2 (Defendant present in court.)
3 MS. MACEDONIO: Before we begin, may I be heard,
4 Your Honor?
5 THE COURT: Yes.
6 MS. MACEDONIO: I just wanted to purport a few
7 things to the Court. I think they may have been straightened
8 out, but apparently last night when Mr. Asaro was returned to
9 the MDC, for whatever arbitrary reason, he was put in the
10 Special Housing Unit which is sometimes called the SHU. At
11 some point thereafter, he was having chest pains and was taken
12 to the hospital.
13 He's here this morning at the moment he appears to
14 be feeling fine. He's reporting that he's feeling fine. I
15 know that the government has checked with the MDC and I
16 believe that the marshals who picked Mr. Asaro up this morning
17 actually spoke to some of the officials at the MDC this
18 morning. We are hoping that this problem is rectified. But I
19 just wanted to bring it to the Court's attention in case
20 Mr. Asaro's having any issues later in the day.
21 THE COURT: Obviously if he's having any problems,
22 you will let me know.
23 MS. MACEDONIO: I will, thank you.
24 And Judge, I've asked the government to get my a
25 breakdown of the payments that the cooperators have received

1 directly. I'm still awaiting that. They have given us a
2 general idea, but I'm still awaiting the actual money figures
3 that the cooperators received in hand.
4 MS. ARGENTIERI: Judge, we provided the figure that
5 the FBI has provided to each of the witnesses and the United
6 States Marshal Service. What the defense has asked for is
7 sort of a more detailed breakdown about how each individual
8 expense was broken out. I don't know that the FBI keeps their
9 records that way. But I have, for example, with the next
10 witness given Ms. Macedonio a sense of what his monthly
11 payment was. I plan to elicit that on direct and I think that
12 she could also elicit on examination. I'm not sure there's a
13 more definitive breakdown to get.
14 THE COURT: Are you looking for something more
15 specific than that?
16 MS. MACEDONIO: I think the problem that we have is
17 yesterday when I was cross-examining Mr. Vitale and I was
18 asking him about the expenses that he received, the money that
19 he had received and I asked him about a figure of $600,000,
20 because that's the breakdown that the government has given to
21 us, and his position was sort of no, I really don't know. And
22 I couldn't go into further detail with him as to the amount
23 money that he received either monthly or for what period of
24 time because I don't have that raw data. So I don't know if
25 the expenses that the government has given me include, you

1 know, travel, lodging. I don't know what they include. It's
2 just numbers.
3 MS. ARGENTIERI: It is all of that. It is housing,
4 it is, you know, moving. It is transportation. And it's also
5 some subsistence. And I believe Ms. Macedonio on cross did
6 ask Mr. Vitale, $2,100 a month from the Marshal Service? So
7 I'm not sure that --
8 THE COURT: Part of the problem was he couldn't
9 recall specifically. You asked him specific questions, but
10 you had a witness who never specifically recorded what the
11 payments were that he got. I would assume that if the
12 government has specific figures like the $2,100 a month, that
13 could be the subject of a stipulation if it needed to be.
14 MS. ARGENTIERI: I don't know that we would be able
15 to stipulate to it, Judge, because I don't know that we know
16 exactly what it is. I've -- I'm sorry.
17 MS. MACEDONIO: It seems to me that the United
18 States government is not handing these cooperators cash. They
19 must be giving them some type of traceable income. So I don't
20 understand why we can't figure out what this is they are
21 getting.
22 MS. ARGENTIERI: Judge, let me, this witness should
23 be on direct for most of today. Let me follow up.
24 THE COURT: Would you follow up with this?
25 MS. ARGENTIERI: Yes.

1 THE COURT: Just ask all the questions about how the
2 records were kept and whether or not the records can be traced
3 and report to Ms. Macedonio. And if you can, work it out get
4 it all together.
5 MS. ARGENTIERI: I will, Judge.
6 MS. MACEDONIO: Thank you, Judge.
7 THE COURT: Who is your witness today?
8 MS. ARGENTIERI: Gary Valenti.
9 THE COURT: Bring in the jurors.
10 MS. MACEDONIO: Your Honor, one last issue. It's a
11 short one. With the Court's permission, would it be okay if
12 one of the paralegals who has been working with us sits at the
13 table? This is Sam Tureff.
14 MR. TUREFF: Good morning, Your Honor.
15 MS. MACEDONIO: Thank you. I just wanted to
16 introduce him.
17 THE COURT: I'm sorry; his name is?
18 MS. MACEDONIO: Sam Tureff.
19 THE COURT: Sam "Turret" (phonetically)?
20 MS. MACEDONIO: No, Tureff, T-U-R-E-F-F.
21 THE COURT: Oh, Tureff.
22 (Jury enters the courtroom at 9:47 a.m.)
23 THE COURT: Good morning, ladies and gentlemen. I
24 think you will notice that we have another individual with us
25 today seated at defense counsel table. This is Sam Tureff,

1 and Mr. Tureff is a paralegal who's going to be assisting the
2 defense. Okay.
3 MS. ARGENTIERI: May I, Judge?
4 THE COURT: Yes.
5 MS. ARGENTIERI: The government calls Gasper
6 Valenti.
7 THE COURTROOM DEPUTY: Please stand and raise your
8 right hand. Do you solemnly swear that the testimony you give
9 to this Court in this case will be the truth, the whole truth
10 and nothing by the truth, so help you God?
11 THE WITNESS: Yes.
12 THE COURTROOM DEPUTY: Please state your name spell
13 your name for the record.
14 THE WITNESS: Gasper, G-A-S-P-E-R, V-A-L-E-N-T-I.
15 THE COURTROOM DEPUTY: Thank you. Please have a
16 seat.
17 GASPER VALENTI, called as a witness, having been first duly
18 sworn, was examined and testified as follows:
19 DIRECT EXAMINATION
20 BY MS. ARGENTIERI:
21 Q Have you been associated with organized crime in your
22 life?
23 A Yes.
24 Q What family?
25 A The Bonanno family.

1 Q For what time period?
2 A From the late '60s until 2008.
3 Q What happened in 2008?
4 A I went to the FBI for help.
5 Q To cooperate?
6 A To cooperate, yes.
7 Q Prior to your cooperation, what was your status in
8 organized crime?
9 A I was an associate.
10 Q Reporting to who?
11 A Vincent Asaro.
12 Q Who is Vincent Asaro?
13 A He's the main member of organized crime.
14 Q How long have you known him?
15 A My entire life.
16 Q What was your relationship with him?
17 A My cousin.
18 Q What was his status in organized crime over the time
19 period that you knew him?
20 A He was a soldier and became a captain and was on a
21 committee.
22 Q What family?
23 A The Bonanno family.
24 Q What is the most serious crime you've committed?
25 A Lufthansa.

1 Q What did you do at Lufthansa?
2 A We robbed the Lufthansa air freight company.
3 Q Approximately when?
4 A 1978.
5 Q Who directed you to do that?
6 A Vincent Asaro.
7 Q What other crimes did you commit with Vincent Asaro?
8 A There was a murder, another --
9 Q Of who?
10 A Paul Katz.
11 Q What specifically did you do with regard to Paul Katz?
12 A I covered the hole that he was placed in with cement.
13 Q Who directed you to do that?
14 A Vincent Asaro.
15 Q Do you see him in the courtroom here today?
16 A Yes.
17 Q Can you point him out.
18 A (Witness complies.)
19 THE COURT: Indicating --
20 Q Can you indicate by an article of clothing?
21 THE COURT: Go ahead. Can you indicate by an
22 article of clothing?
23 A A V neck sweater.
24 THE COURT: Yes, indicating the defendant.
25 Q What is the Bonanno crime family?

1 A It's an organization of five members.
2 Q What is the purpose of the Bonanno crime family?
3 A To make money illegally.
4 Q You said there are five families?
5 A Yes.
6 Q What are the other families?
7 A Gambino, Lucchese, Genovese and Colombo.
8 Q What is Cosa Nostra?
9 A Cosa Nostra is -- means "our thing" in Italian, and it
10 also states that it's one of the families, La Cosa Nostra.
11 Q You said you were an associate of the Bonanno crime
12 family. What is the role of an associate in a crime family?
13 A It's to earn money for the family illegally, hijacking,
14 gambling.
15 Q What do you do with the money you earn?
16 A You give it to your soldier and, in turn, he gives a
17 percentage of it to a higher-up.
18 Q What is that referred to in organized crime?
19 A I don't understand.
20 Q Is it called kicking up?
21 A Kicking up to the top, yes.
22 Q Are associates adopted members of organized crime?
23 A No.
24 Q Were you ever inducted into the Bonanno crime family?
25 A No.

1 Q Who do associates report to in organized crime?
2 A To their soldier.
3 Q As an associate, what did you hope to become?
4 A An inducted member of organized crime.
5 Q What are other names for inducted members of organized
6 crime?
7 A Goodfella, wiseguy, button, made man.
8 Q You said associates reported to their soldier. Who do
9 soldiers report to?
10 A Their captains.
11 Q What does a captain do in organized crime?
12 A Captain settles disputes between organized crime soldier
13 members. It's the higher-up. Normally a captain would have
14 ten, 12 soldiers underneath him.
15 Q And is there a term for when people meet to settle
16 disputes in organized crime?
17 A Yes. It's called a sit-down.
18 Q Who runs the crime family?
19 A The boss and underboss.
20 Q What is the consigliere?
21 A Consigliere, he oversees, like, whatever the boss,
22 underboss say with different families or within our family.
23 Q As an associate, did you understand that there were rules
24 in organized crime?
25 A Yes.

1 Q What were the rules?
2 A Never to speak to law enforcement agents, never to deal
3 with drugs or stocks and bonds.
4 Q Were there other rules?
5 A Not that I could remember.
6 Q You said never to speak to law enforcement?
7 A Yes.
8 Q What is the penalty for that?
9 A Death.
10 Q In organized crime, what, if any, rules are there about
11 when you commit a crime? Who do you have to tell about it?
12 A Oh, you would have to put all crimes on record. You
13 would have to tell your soldier. As an associate, you would
14 report to your soldier and tell him we are going to do this,
15 we are going to steal this, we are going to do that or
16 whatever it may be, you would have to report it and he would
17 put it on record for it.
18 Q That's putting things on record?
19 A Yes.
20 Q And what is the purpose of that?
21 A So he knows what's going on and skippers know, captains
22 know what's going on.
23 Q Was there ever a time that -- strike that.
24 Are the rules that you just listed, are they broken?
25 A Yes.

1 Q Did you discuss with the defendant if other members of
2 his family were made members of the Bonanno family?
3 A Yes.
4 Q What did he tell you?
5 A Yes.
6 Q What did -- I'm sorry.
7 A He said yes.
8 Q What did he tell you about that?
9 A That his son Jerry, when he went to jail, he made Jerry a
10 captain in the organized crime family.
11 Q So his son Jerry is an inducted member and was a captain?
12 A Yes.
13 Q Who else in the defendant's family was a made member of
14 organized crime?
15 A I don't know what you mean by "his family." His
16 immediate family?
17 Q His family.
18 A He only has one son, so I don't know.
19 Q How are you related to him?
20 A I'm his cousin.
21 Q How?
22 A Through marriage. His father -- his mother and my father
23 are sisters -- brother and sisters.
24 Q What was Vincent Asaro's father's name?
25 A Jerome.

1 Q Did he have a status in organized crime?
2 A Yes.
3 Q What was it?
4 A He was a soldier.
5 Q As a teenager, did you become aware of your uncle's
6 status in organized crime?
7 A Yes.
8 Q How?
9 A Through respect, the way people greeted him with hugs and
10 kisses.
11 Q Did you later discuss his father's status in organized
12 crime with the defendant?
13 A Yes.
14 Q And what did he tell you?
15 A That he was a soldier in the Bonanno family.
16 Q How old are you?
17 A 68.
18 Q Where were you born?
19 A In Brooklyn.
20 Q What did your parents do for a living?
21 A My father was a builder and my mother was a seamstress.
22 Q Do you have any brothers and sisters?
23 A Two sisters.
24 Q Was your father associated with organized crime?
25 A No.

1 Q How far did you go in school?
2 A 12th grade.
3 Q Did you get a diploma?
4 A No.
5 Q Approximately when did you first get married?
6 A 1966, '67.
7 Q Did you have kids?
8 A Yes.
9 Q How many?
10 A Four.
11 Q When did you start committing crimes, what age?
12 A When I was a teenager.
13 Q What are the first kinds of crimes you began committing?
14 A Burglary.
15 Q Of what?
16 A Of a mom and pop store.
17 Q Who did you do that with?
18 A A cousin.
19 Q What cousin?
20 A My cousin Gasper.
21 Q Is Gasper related to the defendant?
22 A Yes, his brother.
23 Q As you grew older, did you commit more serious crimes?
24 A Yes.
25 Q When did you commit your first robbery?

1 A I was about 20.
2 Q What did you rob?
3 A A Long Island press office.
4 Q Where was it located?
5 A In Long Island.
6 Q Who did you have your first discussions with about that
7 robbery?
8 A My uncle Jerry.
9 Q The defendant's father?
10 A Yes.
11 Q What did he say to you?
12 A We have a score, which was a robbery, to do with two
13 other people that were associates of his, if I wanted to do
14 it. He explained it to me that everyone has lust sitting in
15 their hearts. Some people have more lust. It's up to you if
16 you want to commit this crime with two other people.
17 Q What did you say?
18 A Yes.
19 Q Who are the associates of your uncle's that you committed
20 the crime with?
21 A Frank "Roto" (phonetically) and Marco Leonetti.
22 Q What was the score?
23 A It was to rob a Long Island press office. It was a
24 newspaper.
25 Q What did you do?

1 A I robbed it. I went in with a pistol, a pellet gun and
2 held it to the manager of the place and robbed him.
3 Q Before that, did you have a discussion with Marco and
4 Frankie about how you should go to the robbery?
5 A Yes.
6 Q What did they tell you?
7 A To come dressed and that they would pick me up at the
8 house.
9 Q And when they said "come dressed," what did you think
10 they meant?
11 A To wear a suit, you know, dress in -- clothing-wise,
12 dress up.
13 Q So what did you wear?
14 A I wore a seersucker jacket, white and gray stripes,
15 burgundy pants, a burgundy shirt and burgundy patent leather
16 boots.
17 Q When they saw you, what did they say?
18 A They laughed at me.
19 Q Did they explain to you what "come dressed" means?
20 A Yes.
21 Q What did it mean?
22 A It means to come with a pistol.
23 Q How much money did you get from that robbery?
24 A $63.
25 Q How many people that were present did you rob?

1 A 17.
2 Q Afterwards, what did you do with the money?
3 A We split it, my uncle Frankie, and Marco.
4 Q Did you have a discussion with your uncle after you
5 carried out the robbery?
6 A Yes.
7 Q What did he tell you?
8 A He said, "Do you want to continue this life?" And I
9 agreed to it. I said, "Yes."
10 Q When he said to you, "Do you want to continue this life,"
11 what did you understand him to be asking you?
12 A To be an associate of his.
13 Q Did you agree?
14 A Yes.
15 Q And after that for a time, were you assigned to your
16 uncle?
17 A Yes.
18 Q At that time, what, if anything, did he say to you about
19 how -- rules or how you should comport yourself?
20 A How I should what?
21 Q How you should act?
22 A Act like a gentleman. You know, I had a mustache. He
23 told me to shave my mustache.
24 Q In the 1960s, where were you living?
25 A At 684 Drew Street.

1 Q What borough that in?
2 A Brooklyn.
3 Q Who did you live with?
4 A My wife and two children.
5 Q Where did the defendant live when you lived there?
6 A Across the street.
7 Q Who did he live with?
8 A His wife and children.
9 Q In the 1960s, in the late 1960s, what was your
10 relationship with the defendant?
11 A I was very close with him, more than a cousin would be.
12 We had, like, a bond.
13 Q What did you call the area where you lived, where you and
14 the defendant lived?
15 A The Hole.
16 Q Why is it called The Hole?
17 A It's the only way to get into the neighborhood was to
18 come down a hill.
19 Q Was it widely referred to as "down the hole"?
20 A Yes.
21 Q And you said that was in Brooklyn?
22 A Yes.
23 Q When you were close to the defendant in the 1960s, where
24 did you spend time together?
25 A In the neighborhood in the Colonial House.

1 Q What was the Colonial House?
2 A It was a bar in City Line.
3 Q What were the first crimes that you committed with the
4 defendant?
5 A Selling pornography.
6 Q How did that happen?
7 A His uncle was a member of the Bonanno crime family, owned
8 the Pussycat Theater.
9 Q What was the Pussycat Theater?
10 A It was a part of pornographic -- pornography theater in
11 the city.
12 Q And what happened?
13 A And there were tapes, cases of reels with pornography on
14 them and we would sell them.
15 Q How did you end up selling them specifically?
16 A By the case, individually.
17 Q Who brought them to you to sell?
18 A Vincent Asaro.
19 Q When he brought them to you to sell, what did he tell
20 you?
21 A "Don't screw up with these. These are Uncle Mickey's.
22 You will get killed."
23 Q Did you meet uncle Mickey? You knew Uncle Mickey?
24 A Yes.
25 MS. ARGENTIERI: Judge, can I show something just to

1 the witness?
2 THE COURT: Yes.
3 Q I am going to show you two pictures, sir. Just tell me
4 if you recognize them, yes or no, okay?
5 A Michael Zaffarano.
6 Q 96A, just tell me if you recognized them.
7 96B?
8 A Yes.
9 MS. ARGENTIERI: Judge, may I move to admit.
10 MS. MACEDONIO: No objection.
11 THE COURT: Admitted.
12 MS. ARGENTIERI: May I publish?
13 THE COURT: Yes.
14 Q 96A, who is that?
15 A Michael Zaffarano.
16 Q 96B?
17 A Michael Zaffarano.
18 Q Did he have a nickname?
19 A Uncle Mickey.
20 Q You said you sold the films. What, if any, money did you
21 provide from the sale of the films to the defendant, Vincent
22 Asaro?
23 A All of the money.
24 Q Why?
25 A Well, he was supposed to pay Uncle Mickey and then we

1 would cut up the money later on.
2 Q Did you get money from that?
3 A No.
4 Q What other types of crimes did you commit with the
5 defendant? You said you sold pornography; what else?
6 A I sold swag.
7 Q What is swag?
8 A Swag is stolen products that hustlers -- I was a hustler
9 that would sell to individuals.
10 Q And you sold different types of swag for the defendant?
11 A Yes.
12 Q What did he tell you about where he got the swag?
13 A From hijacked trucks.
14 Q What did he tell you about who he hijacked trucks with?
15 A Jimmy Burke.
16 Q Who is Jimmy Burke?
17 A He was an associate of the Bonanno family.
18 Q Of the Bonanno family?
19 A I'm sorry; the Lucchese family.
20 Q And in what time period -- did you later meet Jimmy
21 Burke?
22 A Yes.
23 Q Did you commit crimes with Jimmy Burke?
24 A I can't hear you.
25 Q Did you commit crimes with Jimmy Burke later?

1 A Yes.
2 MS. ARGENTIERI: Just for the witness, Judge?
3 THE COURT: Yes.
4 Q Do you recognize the person on your screen, Government's
5 Exhibit 13?
6 A Yes.
7 MS. ARGENTIERI: Move to admit.
8 MS. MACEDONIO: No objection.
9 THE COURT: Admitted.
10 MS. ARGENTIERI: May I publish?
11 THE COURT: Yes.
12 Q Who is that?
13 A Jimmy Burke.
14 Q You said that Jimmy Burke was be associate in organized
15 crime. Who was he around?
16 A Paul Vario.
17 Q In the 1960s and '70s, did you spend -- did you later
18 spend time with Jimmy Burke?
19 A Yes.
20 Q How was he regarded?
21 A As far as what?
22 Q Did you have respect for him?
23 A Yes.
24 Q Why?
25 A He was a -- you could earn with him and you would want

him to get on the better side of him because he would kill you just as soon as earn with you.

Q Where did you spend time with Jimmy Burke?

A At Robert's Lounge.

Q Who else was there?

A Vinnie Asaro, Jimmy Santos, John Savino, Tony DiSimone, Henry Hill, Joel Buddha, Danny Rizzo, Angelo Sepe, Anthony Rodriguez, Louie Cafora, Frenchie. Numerous -- I mean, there's so many, I couldn't.

Q What was Robert's Lounge?

A It was a bar and a club.

Q Whose was it?

A Jimmy Burke, Vinnie Asaro, Jimmy Santos, and John Savino.

Q At the time that you were selling swag for the defendant, what kinds of things was he giving you?

A Oh, numerous things, boutonnières, something to put buttons on with, Oleg Cassini shirts, another load of stolen goods.

Q When did you first meet Jimmy Burke?

A Around 1968.

Q Where?

A At Robert's Lounge.

Q Why did you go there?

A To get swag and to be introduced.

Q Who told you to go there?

1 A Vinnie.
2 Q For what purpose?
3 A To pick up shirts, swag.
4 Q What did it look like inside?
5 A A bar. They had a bar upstairs and a club downstairs to
6 gamble.
7 Q After you went there for the first time, did you begin to
8 spend more time there?
9 A Yes.
10 Q How often were you there?
11 A Five, six, seven times a week.
12 Q And when you went there, was the defendant with you?
13 A Most of the time.
14 Q What was the defendant's relationship with Jimmy Burke?
15 A They were partners.
16 Q In what?
17 A In crime.
18 Q After you began selling swag for the defendant, did your
19 relationship change?
20 A We became close, of course.
21 Q Did you begin -- did you start committing other crimes,
22 for example, credit cards?
23 A Yes.
24 Q What did you do with credit cards?
25 A I shopped with the credit cards, stolen credit cards.

1 Q Where did you get them?
2 A From Henry Hill.
3 Q What did you do?
4 A We would take the credit cards and go shopping with them,
5 buying whatever it may be, clothes, appliances and sell them.
6 Q Did you buy things for yourself as well?
7 A No. I bought things for Vinnie.
8 Q What did you buy for Vinnie?
9 A Boots, a lot of boots.
10 Q Who was Henry Hill?
11 A Henry Hill was an associate of the Lucchese crime family.
12 Q With who?
13 A With Paul Vario.
14 Q At the time that you were selling swag for the defendant,
15 who were you around in organized crime?
16 A I was around my uncle.
17 Q And what was the defendant's status in organized crime?
18 A He was an associate.
19 Q Around who?
20 A His father.
21 Q But who were you reporting to?
22 A Vincent.
23 Q You mentioned Paul Katz. Prior to the murder of Paul
24 Katz, when did you previously discussed him with the
25 defendant?

1 A I didn't discuss it with the defendant, not Paul in
2 particular.
3 Q Did you know if Paul Katz had a warehouse?
4 A Yes.
5 Q How?
6 A Through -- through Vincent.
7 Q Did you ever go there?
8 A Yes.
9 Q On how many occasions?
10 A Three or four.
11 Q In what time period?
12 A In the late 60s, '67, '68.
13 Q Why did you go to that warehouse?
14 A They would unload trucks, hijacked trucks there. And
15 they would have people unload the trucks, help them you were
16 load them and they would pay us.
17 Q Who asked you to go there to unload the trucks?
18 A Vincent Asaro.
19 Q Where was the warehouse?
20 A South Ozone Park.
21 Q Did you ever meet Paul Katz?
22 A No.
23 Q You said, "They used the warehouse." Who used the
24 warehouse?
25 A Jimmy Burke, Jimmy Burke's crew, Jimmy Santos, Tommy

1 DiSimone, Henry, Vinnie.
2 Q When you say "Vinnie," do you mean the defendant?
3 A Yes.
4 Q What did the ware house look like?
5 A It had a garage door. It was -- it had a bay backup.
6 You would back a truck up and unload it into a warehouse. It
7 was set back off the street.
8 Q When you went there to help unload hijacked trucks, who
9 else did you see there helping?
10 A Billy Budd, Jimmy Santos's brother Karl.
11 Q Who was Karl?
12 A He worked in the club for Jimmy.
13 Q When you say "the club," what are you talking about?
14 A At Robert's Lounge.
15 Q What kinds of things did he do at the club?
16 A Served coffee and sandwiches.
17 Q So you said the other people you saw there were Billy
18 Budd, Carlo [sic]; anyone else?
19 A Howie.
20 Q Who was Howie?
21 A He also worked the same as Karl at the club, serving
22 coffee and sandwiches.
23 Q At some point, did you learn the defendant was arrested
24 at that warehouse?
25 A Yes.

1 Q When was that arrest, approximately?
2 A 1968.
3 Q How did you learn the defendant was arrested?
4 A I was at Robert's Lounge and Jimmy Burke called me over.
5 He walked in with Jimmy Santos and John Savino. He called me
6 over and he says, "We got arrested at the warehouse by Pauly
7 and we couldn't get Vinnie out that night."
8 They got themselves out. They paid their way out
9 and we had to wait until the next day to get them more money
10 to get Vinnie out.
11 Q When Jimmy Burke said that "they paid their way out,"
12 what did you understand him to mean?
13 A That they had detectives on the payroll.
14 Q Did you ever meet any of those detectives?
15 A Yes.
16 Q Where?
17 A I believe it was the Colonial House.
18 Q Did you conduct business for the defendant at the
19 Colonial House?
20 A Yes.
21 Q What kind of business?
22 A Shylocking.
23 Q What time period?
24 A Late '60s.
25 Q And when he said "detectives," who was he talking about,

1 what law enforcement were on the payroll?
2 A I knew of one, Detective Kelly.
3 Q With the NYPD?
4 A Yes.
5 Q After Jimmy Burke came in and said they all got
6 arrested -- by the way, where did they say they got arrested?
7 A At Paul's warehouse.
8 Q And when he said that, did you understand that to mean
9 the same warehouse you had been at?
10 A Yes.
11 Q After --
12 A Excuse me.
13 Q After Jimmy Burke told you that, what did you do?
14 A I went to see my uncle.
15 Q Why?
16 A To let him know that my cousin was arrested and that they
17 worked their way out and left him there.
18 Q When did the defendant get out of jail?
19 A The following day.
20 Q How do you know?
21 A I was there at Robert's Lounge.
22 Q What happened at Robert's Lounge?
23 A Vinnie came in and he was peeved that he was the only one
24 left in there and the other guys had bought their way out and
25 left him in there.

1 Q What did he say?
2 A Well, he had a got into an argument with Jimmy Santos, I
3 believe it was, that why was he left in there? You know, we
4 went together, which he was right. Why should he be left in
5 there?
6 Q Shortly after that, what happened to Paul Katz?
7 A He went missing.
8 Q When did your father die?
9 A 1969.
10 Q Go ahead.
11 A September.
12 Q After your father's death, did you take over certain
13 businesses from him?
14 A Yes.
15 Q What business?
16 A The -- he was building homes on 102nd Road between 84th
17 and 83rd Street.
18 Q How many homes were there?
19 A I believe there were seven.
20 Q And after his death, what did you do with regard to those
21 properties?
22 A I worked there with contractors to finish. The homes
23 were about 95 percent done, going to be completed.
24 Q And after they were finished, what were you going to do
25 with them?

1 A Sell them.
2 Q And did you sell them?
3 A Yes.
4 Q Did you have access to those homes?
5 A Yes. We would show them on the weekends.
6 Q Who was your dad's partner in those houses?
7 A Marta Citron (phonetic).
8 Q Is she a professional of any kind?
9 A Yes, she's an attorney.
10 Q At some point after your father died when you were
11 managing those homes, did the defendant call you and ask you
12 for a meeting place?
13 A Yes.
14 Q What did he say to you?
15 A "I need a place to have a meeting with Jimmy Burke."
16 Q What did you understand him to be asking you for?
17 A A place that they could have a secret meeting where no
18 one would know.
19 Q And what did you do?
20 A I said okay. He wanted to have the meeting. He
21 suggested the meeting at the houses.
22 Q What happened next?
23 A The following day, Vinnie pulled up and then shortly
24 after, Jimmy Burke pulled up and backed the car down into one
25 of the driveways where the homes were being completed. This

1 was on a Sunday. There was no one working.
2 Q What happened then?
3 A Vinnie came up the steps where I was at the two model
4 homes and said, "We have to bury somebody."
5 Q What did you say?
6 A I was, like, kind of taken back. I didn't know if he was
7 serious or not. But then we walked down the steps where Jimmy
8 was and he says, "Open the basement door." And I opened the
9 basement door and he says, "Just stay out front, make sure
10 nobody comes in here." And I waited upstairs for about three
11 hours.
12 Q What, if any, tools did the defendant and Jimmy Burke
13 have with them?
14 A A sledgehammer, a shovel and a breaking bar.
15 Q At that time, what was the condition of the basement --
16 of the floors in the basement?
17 A Concrete.
18 Q And how is the concrete laid?
19 A It was poured over reinforcement wire.
20 Q Is that called, like, a rebar?
21 A Yes.
22 Q How long were you upstairs?
23 A About three hours.
24 Q What, if anything, did you hear or see?
25 A We would hear a sledgehammer hitting concrete.

1 Q What happened next?
2 A After the three hours?
3 Q Yes.
4 A Jimmy left. Vinnie came to me and drove me to get the
5 truck to cover the hole that was in the concrete.
6 Q So you said Jimmy Burke left?
7 A Yes.
8 Q And you said Vinnie was going to take you to get -- to
9 the truck to get stuff to cover the concrete?
10 A Right, right.
11 Q What kind of business did Vinnie own at the time?
12 A A fence company.
13 Q And you were in the car together?
14 A Yes.
15 Q What did he say to you at that time?
16 A He says he did most of the digging because Jimmy had hurt
17 his hand when he killed Paul.
18 Q What did he say to you about how Paul Katz was killed?
19 A They strangled him with a dog chain.
20 Q Who strangled him?
21 A Jimmy Burke and Vinnie.
22 Q After Jimmy Burke -- I'm sorry.
23 Did Vincent Asaro tell you the name right away?
24 A On the way to get the truck, he slipped out with the
25 name.

1 Q What did he say?
2 A He said, "The guy was a rat." He says "Paul Katz" and he
3 says, "Forget about it." He said that.
4 Q What did you say?
5 A I said -- said, "What?" He said, "That's it. I'm sorry
6 I said that name to you. Never, ever mention that name again
7 or this incident."
8 Q What did he tell you about what had happened in the
9 basement when they were digging?
10 A He had hit a water pipe with the breaking bar, made an
11 indentation in it.
12 Q Did you go to the fence company?
13 A Yes.
14 Q What did you do then?
15 A I took the truck, went back and did what I was told to
16 do, spread lime on the hole.
17 Q What was the purpose of spreading lime on the hole?
18 A To decompose the body quicker.
19 Q Who told you to do that?
20 A Vinnie.
21 Q After you spread lime on the hole, what did you do?
22 A I covered it with cement.
23 Q Where was the hole located in the basement?
24 A In the more closer to the kitchen area.
25 Q Is that from the front or the back of the house?

A Towards the front.
Q What did the hole look like?
A It was kind of oblong. You couldn't lay anyone in there. You would have to, like, drop them in.
Q After you filled it up with dirt and lime, what did you do?
A I covered it with cement. I didn't cover it with dirt. I just put lime.
Q I'm sorry; I misspoke.
And what did the lime look like?
A It was white, like cement, but only white.
Q You said that was a Sunday?
A Yes.
Q When was the next time that you interacted with the defendant about Paul Katz?
A A few days later.
Q What happened?
A He came to my house and said that we had to go and meet his father at the Lindenwood diner.
Q Where was the Lindenwood diner?
A It was about three blocks from my house on Linden Boulevard in Queens.
Q What, if anything, did he say to you in the car about why you were going?
A To discuss the Paul -- he never said "Paul"; to discuss

1 incident that happened.
2 Q When you got to the diner, who was there?
3 A My uncle.
4 Q What happened?
5 A We sat down and my uncle, he was -- my uncle was
6 apologetic towards me and said, "I am so sorry that this
7 happened. This should have never happened with you, but it
8 did happen. We are going to discuss this this one time and it
9 should never be spoken to about again with no one."
10 Q When you say your "uncle," is that the defendant's
11 father?
12 A Yes.
13 Q After he said, "We're never going to discuss it again,"
14 what, if any, discuss did you have?
15 A We never discussed it again.
16 Q Did you ask a question at the table?
17 A Yes.
18 Q What did you ask?
19 A I wanted to know who else knew besides -- that I was
20 involved in this, besides Jimmy and Vinnie. And my uncle
21 said, "Just Paul Vario and myself."
22 Q Now, at that time, what was your understanding of why
23 Paul Vario knew?
24 A Well, Jimmy was an associate of his. Jimmy had put it on
25 record.

1 Q And who was Paul Vario?
2 A Captain in the Lucchese crime family.
3 Q What was your understanding of why Paul Katz was killed?
4 A He was an informant.
5 Q Was that against the rules in organized crime?
6 A Yes, it is.
7 Q What house was Paul Katz buried in?
8 A The second -- facing the homes would be the second home
9 from the -- from your right.
10 MS. ARGENTIERI: Judge, can I show something just to
11 the witness?
12 THE COURT: Yes.
13 Q Do you recognize that?
14 A Yes.
15 Q What is that?
16 A Those are the homes that my father had built.
17 MS. ARGENTIERI: Government's 142.
18 THE COURT: I'm sorry, Exhibit?
19 MS. ARGENTIERI: 142. I move to admit.
20 MS. MACEDONIO: No objection.
21 THE COURT: Admitted.
22 MS. ARGENTIERI: May I publish?
23 THE COURT: Yes.
24 Q Looking at Government's Exhibit 142?
25 A I can't hear you.

1 Q I'm sorry; walking away.
2 Looking at Government's Exhibit 142, which house was it?
3 Can you push on the screen, sir.
4 A (Witness complies.)
5 MS. ARGENTIERI: Reflecting the second house from
6 the right.
7 Q Were you involved in the sale of that house?
8 A Yes.
9 Q What, if anything, did the defendant tell you about who
10 wanted to buy that house?
11 A Jimmy Burke.
12 Q Did Jimmy Burke buy that house?
13 A He bought it, but not directly himself.
14 Q Who bought it?
15 A Friends of his, a guy named Moo Moo, Jerry, I believe his
16 name is. He had the dress shop next to the Robert's Lounge.
17 Q So Jimmy Burke purchased that house?
18 A Yes.
19 Q And another house?
20 A Yes.
21 Q And you said he had someone else purchase it?
22 A Yes.
23 Q Someone named Moo Moo?
24 A Yes.
25 Q Who owned the dress shop next to what?

1 A Robert's Lounge.
2 (Proceedings continued on the following page.)
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EXAMINATION CONTINUES

BY MS. ARGENTIERI:

Q Who handled the sale of that property?

A Marge Centrone.

Q Did she handle all the sales of all the properties?

A Yes.

Q In the 1980's, did the defendant ever send you back to that house?

A Yes.

Q What happened?

A He called me up, he says: Come to the fence company. I went there and he says he got word from Jimmy that Jimmy wants that body taken up and just get rid of it.

Q Did he say anything to you about why Jimmy felt the body had to be moved?

A He said Jimmy was just hallucinating. He's getting delusions and he wanted the body removed.

Q What does it mean to catch delusions?

A To feel uncomfortable with certain people.

Q What did the defendant direct you to do?

A To go and exhume the body and get rid of it.

Q With who?

A Jerry Asaro.

Q Who was Jerry Asaro?

A Vince's son.

1 MS. ARGENTIERI: Judge, may I show something just to
2 the witness?
3 THE COURT: Yes.
4 BY MS. ARGENTIERI:
5 Q Do you recognize that person in Government Exhibit 6?
6 A Yes.
7 MS. ARGENTIERI: Move to admit.
8 MS. MACEDONIO: No objection.
9 MS. ARGENTIERI: Publish, please.
10 THE COURT: Admitted.
11 (Government's Exhibit 6 was received in evidence.)
12 (Exhibit published.)
13 BY MS. ARGENTIERI:
14 Q Who is that in Government Exhibit 6?
15 A Jerry Asaro.
16 Q By the way, at the time that Jimmy caught this delusion,
17 where was he?
18 A In jail.
19 Q And when you say Jimmy, who are you referring to?
20 A Jimmy Burke.
21 Q What did you do?
22 A I went with Jerry and exhumed the body, broke the
23 concrete, again, and removed the remains of the body.
24 Q Now, what, if any, tools did you bring with you?
25 A Sledge hammer, breaking bar, a -- shovels.

1 Q Where did you have access to those tools?
2 A From the fence company.
3 Q Whose fence company was it?
4 A Vincent's.
5 Q How did you know where to dig up?
6 A Because I covered it with the cement the first time.
7 Q When you were digging up Paul Katz's body, what, if
8 anything, did you see?
9 A We dug up bones, some material like corduroy and some
10 pieces of concrete.
11 Q Based on what you saw that day, how was Paul Katz's body
12 positioned in the hole?
13 A Kind of slumped over this way (indicating). He wasn't
14 laying flat.
15 MS. ARGENTIERI: The witness is indicating with his
16 hand that Paul Katz's head was sort of curved down, the front
17 of his body was curved down --
18 THE WITNESS: Yes.
19 MS. ARGENTIERI: -- for the record.
20 BY MS. ARGENTIERI:
21 Q What did you do with Paul Katz's remains?
22 A We put them in cardboard boxes, a few cardboard boxes,
23 and brought them back to the fence company.
24 Q What did Jerry tell you he was going to do with the
25 remains?

A That he would put the remains in paint cans and fill them with cement and take them upstate to a place he had and discard it.
Q Who did he have that place with?
A Frank Lapetina.
Q Who was Frank Lapetina?
A He was a partner with Jerry in the hunting lodge upstate.
Q Did you later commit crimes with Frank Lapetina?
A Yes.
Q After you and Jerry removed Paul Katz's remains, did you have a discussion with Vinnie?
A Yes.
Q What, if any, discussion did you have?
A That it was taken care of and gave him back the key.
Q At that point did he ask you if you'd said anything to Jerry?
A Yes.
Q What did you say?
A No, I didn't.
Q Did you say anything to Jerry?
A No, I did not.
Q About who was buried there?
A No, I did not.
Q Why not?
A Because it wasn't supposed to ever be mentioned again,

1 that name.
2 Q When was the next time that you went back to that house?
3 A To show the agents where the body was buried.
4 Q Just going back for a second, do you know if -- do you
5 know what jail, federal or state, Jimmy Burke was in at the
6 time that he asked that the body be moved?
7 A No, I don't.
8 Q You said you took the agents back there?
9 A Yes.
10 Q What did you show them?
11 A Where the body was buried.
12 Q At that point did the house look different -- I'm sorry,
13 did the inside of the house look different?
14 A Yes.
15 Q And what year was that?
16 A Did I take -- the year I took them back?
17 Q The agents, if you remember.
18 A 2008, I believe.
19 Q After you helped the defendant and Jimmy Burke bury Paul
20 Katz's body back in 1968 or 1969, what was your relationship
21 with the defendant?
22 A Very good, good standings.
23 Q How often were you seeing him?
24 A Every day.
25 Q In the 1970's, were you arrested?

A '70s -- yes.
Q For what?
A Check fraud.
Q What did you do?
A I -- I worked for a company, a fence company Brancato, and I gave them some bad checks and I was arrested for it.
Q What happened to that case?
A It was disposed of, dis --
Q In the 1970's, did you commit other crimes that you weren't arrested for?
A Yes.
Q What categories of crimes?
A Loansharking, bookmaking, highjacking.
MS. MACEDONIO: I'm sorry, Judge.
THE COURT: Yes.
MS. MACEDONIO: May we take a five-minute break?
THE COURT: Yes.
MS. MACEDONIO: Thank you.
THE COURTROOM DEPUTY: All rise.
(Jury exits.)
MS. MACEDONIO: May we approach, Your Honor?
THE COURT: Yes.
(Sidebar held - jury not present.)
(Continued on the following page.)

1 THE COURT: Is everything all right?
2 MS. MACEDONIO: I just was advised that the
3 defendant was bleeding, and he's got his tight -- his special
4 socks on. I don't know whether that's what's caused the
5 bleeding.
6 MS. FERRONE: Yes, he was bleeding up his pants and
7 I saw the compression socks and there was some blood, so I
8 wanted to just see that he is okay and they're not too tight.
9 THE COURT: Is that what you think, they might just
10 be too tight?
11 MS. FERRONE: I think so. So he may have to take
12 them off, so I wanted to just break because there was blood.
13 Sorry.
14 THE COURT: Do you want him to see -- is the nurse
15 here?
16 MS. ARGENTIERI: I think there's a nurse or a doctor
17 in the courthouse.
18 MS. FERRONE: I don't think that is going to be
19 necessary.
20 MS. MACEDONIO: Let me go back and talk to him.
21 THE COURT: Okay. If you need the nurse, let me
22 know.
23 MS. MACEDONIO: Thank you.
24 (Pause in the proceedings.)
25 (Sidebar resumed - jury not present.)

1 MS. MACEDONIO: Defendant appears to be okay. He
2 has some sort of abscess on his leg that was bleeding because
3 the socks are so tight, the compression socks, but he is
4 prepared to continue, so I think we're okay.
5 THE COURT: Does he want the nurse to bandage it
6 underneath?
7 MS. MACEDONIO: No, no, it's not that bad. Thank
8 you, Judge, I appreciate the courtesy.
9 (Sidebar concluded.)
10 (Continued on the following page.)
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1 (In open court.)
2 (Pause.)
3 (Jury enters.)
4 THE COURT: Please be seated.
5 Ms. Macedonio.
6 MS. ARGENTIERI: Thank you, judge.
7 THE COURT: I'm sorry, I mean Ms. Argentieri.
8 MS. ARGENTIERI: Oh, I didn't hear what you said.
9 MS. MACEDONIO: She called you Macedonio.
10 MS. ARGENTIERI: Oh, that's a compliment.
11 BY MS. ARGENTIERI:
12 Q I just want to remind you you're still under oath,
13 understood?
14 A (No response.)
15 Q Sir, you're still under oath; understood?
16 A I'm sorry, I didn't hear what you said.
17 Q Do you understand that you're still under oath?
18 A Yes.
19 Q I just want to go back to the warehouse where you
20 unloaded the stolen goods. Where was that warehouse, did you
21 say what borough?
22 A Queens.
23 Q And do you know where it was in Queens?
24 A South Ozone Park.
25 Q And you mentioned that one of the people you saw there --

1 could you mention some of the people that you saw there?
2 A Billy Bug, Howie, Carl -- unloading?
3 Q Yes.
4 A People that unloaded?
5 Q Yes.
6 A Yes.
7 Q And they were there unloading trucks just like you?
8 A Yes.
9 Q Now, you testified that your father died. When was that?
10 A 1969.
11 Q What month?
12 A September.
13 Q And was it after that that you provided the house for the
14 defendant for the meeting?
15 A Yes.
16 Q When in relation to that meeting was Vinnie Asaro
17 arrested at the warehouse?
18 A I believe in '68.
19 Q In the 1970's, what other crimes were you committing?
20 I believe you testified robbery, shylocking. What
21 else?
22 A Burglaries.
23 Q Did you ever burn anything?
24 A Yes.
25 Q In the 1970's, what did you burn?

1 A Cars, garages.
2 Q What cars did you burn?
3 A For insurance purposes, people that had cars and wanted
4 to collect insurance on them.
5 Q Who told you to burn those cars?
6 A Vinnie.
7 Q How would you make money that way?
8 A He would collect money from the people who owned the car,
9 when they got their insurance.
10 Q So the people that you were burning the cars for were
11 involved?
12 A Yes.
13 Q Was it like a type of insurance fraud?
14 A Yes, it was.
15 Q And who else burned cars with you for Vinnie?
16 A Jerry.
17 Q Anyone else?
18 A No.
19 Q In the 1970's, how many scores were you doing a week?
20 A Maybe three, four a month; one a week.
21 Q Three or four a month?
22 A Uh-hum.
23 Q And what kinds of things were you robbing?
24 A Gas stations, racetrack.
25 Q Who did you commit those crimes with?

A Joe Berger.
Q Who is Joe Berger?
A He is an associate of Vinnie's.
Q At the time that you and Joe Berger were doing heists, who were you giving money to from the heists?
A Vinnie.
Q Why?
A Oh, we were kind of -- we were partners, but we looked up to him so that we would move up somewhat, showing him that we were earners.
Q What's an earner?
A A person that earns money through illicit whatever, gambling, highjacking, stealing.
Q Did you commit some of those robberies at gunpoint?
A Yes.
Q Were you making good money off them?
A At that time, yes.
Q For example, did you rob a Queens milk farm?
A Yes.
Q What were you going to rob?
A Tools.
Q What, if any, discussion did you have with Vinnie Asaro about it?
A We told him that we were going to burglarize this Queens warehouse.

Q What did he say?
A Okay.
Q What happened?
A We went into burglarize it and we did -- entered and we worked a few hours loading all the mechanic tools onto this one particular Queens farm truck.
Q What happened then?
A And as we went to leave, I tried to start it and it wouldn't start and Junior, which is Joseph, he opened the hood. He was a mechanic. He was real good with that and he started ranting and raving and screaming that there was no engine in the truck.
Q What did that mean?
A That means we didn't make the score.
Q Who did you call?
A Vinnie.
Q What did you ask him?
A That we're in the place, you know, and we can't do anything about it, you know, there's no engine in the truck. And he said: All right, you know, I'll be there, I'll come and get you, but --
Q Did he come?
A He didn't come where we were, no.
Q So you weren't able to carry out that robbery?
A No, we were not.

1 Q Did you also rob with Junior Berger a bowling alley?
2 A Yes.
3 Q Whose idea was that robbery?
4 A My uncle.
5 Q Your Uncle Jerry?
6 A Yes.
7 Q What did he tell you?
8 A There was a catering hall inside of a bowling alley, and
9 they would have weddings there and the guy at the end of the
10 affair would take the wedding money, the proceeds, and make a
11 night deposit drop at a bank on 101 Avenue and 95th Street,
12 which was seven, eight blocks away from the wedding hall.
13 Q Did you agree to do the robbery?
14 A Yes.
15 Q Who were you going to do it with?
16 A Junior.
17 Q Did you discuss it with Vinnie?
18 A Yes.
19 Q What did he say?
20 A Okay.
21 Q Where did you go that night?
22 A To do the robbery?
23 Q Yes.
24 A Yeah, to 101st Avenue and, I believe it was, 95th Street.
25 It was a bank.

1 Q You were going to wait there?
2 A Wait there for the -- it was about 2 or 3 o'clock in the
3 morning.
4 Q How were you dressed?
5 A I had a woman's jacket on, a woman's wig, my red --
6 burgundy boots, and like some sort of women's coat to look
7 like a woman.
8 Q Why were you doing that?
9 A So no one would feel that -- you know, there was a
10 husband -- I mean a boyfriend and girlfriend waiting on a bus
11 stop. That's where the bank was.
12 Q Who was going to be your boyfriend?
13 A I'm sorry?
14 Q Who was going to be the boyfriend in the situation?
15 A Junior.
16 Q What happened as you were waiting there?
17 A A bunch of guys pulled up and started passing remarks
18 about me, you know, being that they thought I was a girl and I
19 had a beard, and my partner took out as pistol to defend my
20 honor. And I says: Put that away. What are you doing? You
21 know.
22 And he said: They can't talk to you like that.
23 I says: We're on a score here, you know, forget
24 about it.
25 And they left, the guys, you know, and the guy came

1 and we proceeded with the robbery.
2 Q And you robbed the guy?
3 A Yes.
4 Q How much money did you get from that robbery?
5 A A few thousand dollars.
6 Q And who got the money from that robbery?
7 A We split it up. My uncle got some. Vinnie got some. I
8 got some -- very little. And Junior got some.
9 Q Did you ever rob a watch guy?
10 A A wash?
11 Q A watch, watch.
12 A Yes.
13 Q How did you hear about that score?
14 A Through Vinnie.
15 Q What did he tell you?
16 A That Sally Polisi had a score that he already done once
17 or twice before.
18 Q And what was the score?
19 A Watches, gold watches with diamonds on them.
20 Q Who were you going to rob?
21 A The guy that had the watches. He lived out on Long
22 Island.
23 Q What did Vinnie tell you about it?
24 A That Sally had given it to him.
25 Q And who did he give it to?

A He gave it to me.
Q Who did you carry out the robbery with?
A With Junior.
MS. ARGENTIERI: Judge, can I show two photos just to the witness?
THE COURT: Yes.
MS. ARGENTIERI: 67a.
BY MS. ARGENTIERI:
Q Just say whether or not you recognize it, sir. 67a?
A Yes.
Q And Government Exhibit 9.
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
MS. ARGENTIERI: May I publish?
THE COURT: Yes.
(Government's Exhibit 67a and 9 were received in evidence.)
(Exhibit published.)
BY MS. ARGENTIERI:
Q Who is that, 67a?
A Sal Polisi.
Q And who was Sal Polisi?
A He was an associate of the Gambino crime family.

Q Where did you carry out the robbery?
A In Long Island.
Q What did you do?
A We sat on this particular -- the guy with the watches, on his house and watched him come out and load his car with some suitcases and then we proceeded to follow him. He made a stop on Long Island on -- on the parkway to make a phone call, and that was the time we felt was the best time to heist him.
Q Did you heist him?
A Yes, we did.
Q Did you have guns?
A No, we didn't.
Q What did you have?
A Junior had a ratchet, a tool.
Q What did he do with it?
A He stuck it in the guy's ribs and said: Just walk over to your car and -- just get in your car. And we let him in the back of the car and we got in the front and left.
Q What did you get from that score?
A Watches.
Q How many?
A I think there was about 15 watches.
Q What kind of watches were they?
A Gold.
Q What did you do with the watches when you got them?

1 A We brought them to Vinnie.
2 Q Why?
3 A For a few different things: To, you know, show him that
4 we're earning, that we're earners, and that he was our partner
5 and he would get rid of them. He knew a lot of people.
6 Q What did you get from that score?
7 A Nothing.
8 Q In the late 1970's, did Junior begin making money from
9 other rackets?
10 A Yes.
11 Q What rackets?
12 A He had a -- what they call a chop-shop where they would
13 dismantle cars, stolen cars, and sell the parts.
14 Q And so did you stop doing scores with him at that time?
15 A Yes.
16 Q Who did he do business with in this chop-shop?
17 A Who was stealing cars for him?
18 Q Yes.
19 A Jerry, Andrew Curro.
20 Q Who was Peter Zuccaro?
21 A He was -- he was around Vinnie at one time, an associate.
22 He was partners with Vinnie's nephew Bobby in a auto body
23 place.
24 Q You said Peter Zuccaro was partners -- I'm sorry -- with
25 Vinnie's nephew in an auto body place?

A Yes.
Q Who was Vinnie's nephew?
A Bobby Giallanzo.
Q And what kind of auto body place did they have?
A They would fix and repair cars that were in accidents.
Q Do you remember the name of it?
A No, I do not.
Q Where was it located?
A On Pitkin Avenue right off Cross Bay Boulevard.
MS. ARGENTIERI: Judge, I'd like to just show the witness two photos.
THE COURT: Yes.
MS. ARGENTIERI: Government Exhibit 28.
BY MS. ARGENTIERI:
Q Just tell me whether or not you recognize the person.
A Yes.
Q 28a. And this is 42.
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
MS. ARGENTIERI: May I publish?
THE COURT: Yes.
(Government's Exhibits 28a and 42 were received in evidence.)

(Exhibit published.)

BY MS. ARGENTIERI:

Q 28a, who is that?

A Andrew Curro.

Q 42, who is that?

A Bobby Giallanzo.

Q Did you ever observe the defendant with Peter Zuccaro?

A Yes.

Q What was their relationship?

A Awkward.

Q Why do you say that?

A Vinnie never really liked him. Peter had a certain way about him that was bossy, good-looking. He had a certain way about him that Vinnie didn't really particularly care for.

Q And you said in the 1970's Peter Zuccaro was around the Bonanno crime family?

A Yes.

Q Who was he around?

A He was around Vinnie for a while and Vinnie, Mr. Frank --

Q Who was Mr. Frank?

A He was a soldier in the Bonanno crime family.

MS. ARGENTIERI: Judge, can I show the witness --

THE COURT: Yes.

MS. ARGENTIERI: -- Government Exhibit 9?

BY MS. ARGENTIERI:

1 Q Just whether or not you recognize it?
2 A Yes.
3 MS. ARGENTIERI: Move to admit.
4 MS. MACEDONIO: No objection.
5 THE COURT: Admitted.
6 MS. ARGENTIERI: May I publish?
7 THE COURT: Yes.
8 (Government's Exhibit 9 was received in evidence.)
9 (Exhibit published.)
10 BY MS. ARGENTIERI:
11 Q Who is that in Government Exhibit 9?
12 A Mr. Frank.
13 Q In the 1970's, what, if any, incident did the defendant
14 have with Peter Zuccaro?
15 A Vinnie slapped him when Peter had killed one of -- a dog.
16 Q Going back, how did you first learn that Peter had killed
17 a dog?
18 A Bobby came to the office --
19 Q What office?
20 A The fence company, and told us.
21 Q What did Bobby say happened?
22 A That Peter -- the dog had bitten Peter, his own dog, a
23 Doberman pinscher, like a watchdog in the auto body place, and
24 that Peter went back that night, all dressed in black on his
25 motorcycle with a mask, gloves, and killed the dog, shot the

1 dog.
2 Q Was Bobby upset?
3 A Yes.
4 Q At that point what did Vinnie say?
5 A Vinnie was really upset. Vinnie was really aggravated
6 and peeved and he wanted to see Peter.
7 Q Were you present when the defendant saw Peter?
8 A Yes.
9 Q Where was that?
10 A At the auto body place.
11 Q What happened?
12 A Vinnie went in there and started yelling and screaming at
13 him: You're a mutt. You know, how could you do that to a
14 dog? And you go dressed up in black with a ski mask and
15 gloves and kill a dog.
16 Q What was your understanding of why Vinnie Asaro was upset
17 about that?
18 A Vinnie loves dogs, big animal lover.
19 Q Was Bobby around him at the time?
20 A Yes.
21 Q Have you participated in loansharking with the defendant?
22 A Yes.
23 Q What is loansharking?
24 A To loan money out and try -- and charge a high rate of
25 interest per week.

Q And how are payments on a loanshark loan made, weekly, monthly?
A Weekly.
Q And can you explain how it works?
A Well, if I was to give you a thousand dollars and charge you 2 percent, you would give me $40 a week and nothing come off the principal, that's just interest.
Q So if you made that payment for two months, how much money would you owe on the original loan?
A The same amount that was borrowed, 2,000.
Q Did the defendant have a loansharking business?
A Yes.
Q When did you first become involved in his loansharking business?
A Um --
Q What decade?
A '60s, '70s.
Q What role did you play in the business?
A I would collect.
Q Who were the customers you collected from in the late '60s and early '70s?
A Bobby Marshall.
Q Who was Bobby Marshall?
A He was kind of like a neighborhood drunk.
Q How much money had he borrowed at the time?

A A hundred dollars.
Q And do you remember what the interest was on the loan?
A I believe it was 10 percent, $10 a week.
Q And how often did you collect on that loan?
A Forever.
Q What was --
A What?
Q What happened with Bobby Marshall?
A He would -- he would give me, like, $10 and then he would see Vinnie that same weekend and Vinnie says: Hey, you got to give me your $10. Like I said, Bobby was a drunk, basically, and he kept paying the money back and --
Q And had he paid it back already?
A Yeah, he paid it back way too many times.
Q Who were the defendant's other loanshark customers that you helped collect from?
A Whitey.
Q Who was Whitey?
A He was a concrete guy.
Q And what were the terms of that loan, if you remember?
A The same. Basically, about the same. Joe Zipp was another one, he was a painter.
Q And the vig, what is the vig?
A Vig is the interest.
Q What are other ways to refer to that in organized crime?

A Juice, vigorish, usury.
Q So you said you collected from those two customers and others?
A Yes.
Q What, if any, money did you give the defendant from those collections?
A All of it.
Q You didn't keep any of it?
A No.
Q In the late 1960's or early '70s what did the defendant tell you about where he got the money from his loansharking business?
A He would borrow money from Jimmy Burke.
Q And what were the terms of the money that he would get from Jimmy Burke?
A He would give Jimmy a percentage.
Q How much?
A Maybe one, two points.
Q And then how would he make money off of it?
A And then he would give it out for maybe three, four, five points and so on.
Q You talked about -- strike that, I'm sorry.
In the 1970's, did the defendant's position in organized crime change?
A Yes.

Q Approximately what year?
A '77, '78.
Q How did you learn that?
A He told me.
Q Did you ever have to drive him somewhere?
A Yes.
Q Where did you drive him?
A To a restaurant in Brooklyn.
Q Did you get out of the car?
A No.
Q Did you see him later?
A Yes.
Q What did he tell you?
A That he was straightened out. He became a made member in the family.
Q What did he tell you about who proposed him for induction?
A His father and Uncle Mickey.
Q What did he tell you about where he was straightened out?
A In a mausoleum, in a cemetery.
Q What does straightened out mean?
A Becoming a made member of organized crime.
Q What, if any, tattoos does the defendant have?
A He as a tattoo on his arm.
Q What does it say?

1 A Death Before Dishonor.
2 Q What does that mean?
3 A That he would rather --
4 MS. MACEDONIO: Objection.
5 THE COURT: You can phrase the question differently.
6 BY MS. ARGENTIERI:
7 Q What is your understanding of what the tattoo means?
8 A I'm sorry?
9 Q What is your understanding of what that tattoo means?
10 A That he would die before he would dishonor himself.
11 Q At the time the defendant was straightened out, was his
12 father alive or dead?
13 A Alive.
14 Q After that, did his father die?
15 A Yes.
16 Q After the defendant was straightened out, did your status
17 or position in organized crime change?
18 A I'm sorry, Nicole?
19 Q After the defendant was straightened out, who were you
20 around?
21 A Vinnie.
22 Q At that time, who was the defendant's captain?
23 A Mickey.
24 Q Uncle Mickey?
25 A Uncle Mickey.

1 Q Over the years that you spent with the defendant, did he
2 explain to you how an individual gets inducted into organized
3 crime?
4 A Yes.
5 Q What did he tell you were the important traits for
6 someone to be straightened out?
7 A Either you had to do a piece of work, which was to kill
8 someone, or become an earner, make money for the family.
9 Everything was about the family.
10 Q What did he tell you about the process for getting
11 straightened out?
12 A The process, someone -- they put your name on a list and
13 it goes through all the families. If anyone -- all the
14 captains of the families, if anyone knew that you spoke to law
15 enforcement or you had any law enforcement in your family,
16 they would put a gripe in, a beef, to knock it down and say
17 no, you know, this guy is attached to law enforcement or the
18 guy was an informant somewhere along the line.
19 Q And if not?
20 A They were -- would be approved, inducted.
21 Q You said that the defendant's father was an inducted
22 member of organized crime and you were around him, is that
23 right?
24 A Yes.
25 Q Was his grandfather as well?

A Yes.
Q In the 1970's did the defendant host a regular 4th of July party?
A Yes.
Q And what would you do there?
A We'd barbecue and shoot off fireworks, drink beer, other alcohol.
Q Where was the defendant living at that time?
A 83rd Street and Pitkin Avenue.
MS. ARGENTIERI: Can I show something just to the witness?
THE COURT: Yes.
BY MS. ARGENTIERI:
Q Government Exhibit 106. Just say whether or not you recognize it?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
MS. ARGENTIERI: May I publish?
THE COURT: Yes.
(Government's Exhibit 106 was received in evidence.)
(Exhibit published.)
BY MS. ARGENTIERI:
Q What is that, Government Exhibit 106?

1 A That's the house that Vinnie owned on Pitkin Avenue and
2 83rd.
3 Q It's where he lived in the 1970's?
4 A Yes.
5 Q Who was John from the Ozone Bar?
6 A He was an associate of Vinnie's.
7 Q And what was the Ozone Bar?
8 A It was a bar that people would go and drink, and we did
9 some bookmaking out of that bar.
10 Q What is bookmaking?
11 A Taking sports bets.
12 Q You and the defendant did bookmaking out of the bar?
13 A Yes.
14 Q In the 1970's, what, if any, incident occurred with John
15 from the Ozone Bar?
16 A We had a 4th of July party and we ran out of beer and the
17 defendant told me to go to John and get beer. I went to the
18 bar and I told John: John, we need beer at the party, we ran
19 out of beer. And he says: Okay, I'll bring it over. And I
20 left and ten, fifteen minutes later John came with his trunk
21 of his car and the back seat with cases of beer.
22 Q What happened then?
23 A We unloaded it and everybody drank and everything was
24 good. And as time went by John said: You know, I got to go.
25 I says: Okay, thank you. He says: No, I got to get paid for

1 the beer that I brought.
2 Q Did that surprise you?
3 A Kind of, yes. It shocked me really.
4 Q Why?
5 A Because he was an associate of Vinnie and if John ever
6 had any problems Vinnie would straighten it out, and now you
7 want to take money from Vinnie for the beer.
8 Q What did you do when he asked for the money?
9 A I said: Okay, you want to get paid. I says: Ask
10 Vinnie. And he asked Vinnie and Vinnie says: Take him around
11 the corner and pay him.
12 Q When he said that to you, what did you understand he
13 wanted you to do?
14 A To teach him some respect.
15 Q Did you?
16 A Yes.
17 Q What did you do?
18 A I hit him.
19 Q Who else was with you?
20 A An associate of Vinnie's, Ray.
21 Q What did Ray do?
22 A He tried to -- he stuffed a bottle of beer down the guy's
23 mouth. He was laying on the floor after I hit him and then I
24 said: That's okay, let him go, you know. John got up, got in
25 his car and he left. I went back and told Vinnie we took care

1 of it.
2 Q What did Vinnie say then?
3 A Did you teach him respect? I said: Yes.
4 Q What happened then?
5 A Then Vinnie directed myself; Bobby, his nephew, Ray,
6 another person Charlie, a father and a son Patty Dello Russo,
7 to go back to the bar and wreck it.
8 Q What was your understanding of why he wanted you to do
9 that?
10 A To give John a message.
11 Q What message?
12 A That it's respect. You're with me. How could you, you
13 know, turn around and ask me for money? This is a message to
14 you, next time you'll know.
15 Q What did you do at the bar?
16 A We wrecked it. We destroyed everything. Broke the
17 mirrors. Broke the pinball machines, all the bottles of
18 booze. And Vinnie says: Don't take any money from anybody.
19 If anybody is in there, don't hit anyone. Don't take any
20 money from anyone, just tell them to get out.
21 Q Why?
22 A Because we're there just to teach this John respect. We
23 don't -- we're not there to rob him or rob anyone else. It
24 was just about a thing about respect.
25 Q Did someone not follow Vinnie's orders?

A Yes.
Q Who?
A Charlie.
Q What did he do?
A He took money off the bar and he flashed -- Vinnie said when we went back, Vinnie said: Did you do everything like I told you? I said: Yes. And then Charlie was kind of happy, he says: Yeah, I took some money. And Vinnie went nuts, kind of, and he punched him.
Q And what happened to Charlie?
A He broke his jaw. He said: I told you you're not to take any money or hurt anyone else.
Q And you said you went -- and who are all the people that went to the bar with you, Patti, the father and the son, Ray?
A Charlie, Ray, Bobby.
Q Who were they around in organized crime?
A Vinnie.
MS. ARGENTIERI: Judge, I'd like to show the witness some photos.
THE COURT: Yes.
BY MS. ARGENTIERI:
Q Just say whether or not you recognize them. Government Exhibit 100a?
A Yes.
Q 100b?

A Yes.
Q 100c?
A Yes.
Q 100d?
A Yes.
MS. ARGENTIERI: Judge, I move to admit them.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government's Exhibits 100a through 100d were received in evidence.)
MS. ARGENTIERI: May I publish?
THE COURT: Yes.
(Exhibit published.)
BY MS. ARGENTIERI:
Q 100a, who is that?
A Vinnie.
Q What decade?
A Maybe the '70s.
Q Where are you -- where is he, I'm sorry?
A I believe that's my house.
Q 100b, who is in that photo?
A Vinnie and myself.
Q 100c?
A Vinnie and myself.
Q 100d?

A Myself, Jerry and Ray.
Q Is that the same Ray who went to the bar?
A Yes.
Q In the late 1970's, where did you live?
A Blake and Drew, Brooklyn, down the hole.
Q Where did you spend time with Vincent Asaro?
A I never did time with Vincent.
Q I said where did you spend time with Vincent Asaro in the '70s, what places?
A Oh, the Colonial House, Roberts Lounge.
Q Did you have any social clubs in the 1970's? I'm sorry, did the defendant have any social clubs in the 1970's?
A Yes.
Q What were they?
A Café Anita.
Q Where was Café Anita?
A On Liberty and Forbell Street.
MS. ARGENTIERI: May I show something just to the witness, Judge?
THE COURT: Yes.
BY MS. ARGENTIERI:
Q Government Exhibit 121. Do you recognize that?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.

THE COURT: Admitted.

MS. ARGENTIERI: Publish?

THE COURT: Yes.

MS. ARGENTIERI: Thank you, Judge.

(Government's Exhibit 121 was received in evidence.)

(Exhibit published.)

BY MS. ARGENTIERI:

Q Government Exhibit 121, what is that?

A That's Café Anita.

Q Can you indicate by touching the screen where the entrance was to the club when the defendant had it in the 1970's?

Sorry, I moved it, on the side. Over here (indicating).

A Yes.

MS. ARGENTIERI: Indicating, for the record, the doorway furthest to the left.

Q How did the defendant come to have that social club?

A A person Sandro had it who was with Uncle Mickey.

Q And what happened?

A And he brought Vinnie into it and said: Tell Sandro that Vinnie has guys to have a game, a big card game there.

Q What kind of cards?

A They played poker, basically.

Q Is that a way to make money?

A Yes.
Q And did the defendant have a card game there then?
A Yes, we did.
Q What did you do?
A I dealt sometimes and just, basically, hung out. Played sometimes.
Q How long did that card game go on?
A Oh, probably about six months.
Q What happened?
A The people run out of money from -- because -- from -- we would what they call rape the game. You take a percentage out of every pot, so over a matter of six months you wind up, basically, with all the money, you know, from taking the percentage out. It was a big -- big game.
Q Big way to make money?
A Big way to make money, exactly. Guys would bet their cars, their watches.
MS. ARGENTIERI: Judge, I'd like to show just the witness something.
THE COURT: Yes.
BY MS. ARGENTIERI:
Q Government Exhibit 2, just say whether or not you recognize it. Do you recognize it?
A Yes.
MS. ARGENTIERI: Move to admit.

1 MS. MACEDONIO: No objection.
2 THE COURT: Admitted.
3 MS. ARGENTIERI: May I publish?
4 THE COURT: Yes.
5 (Government's Exhibit 2 was received in evidence.)
6 (Exhibit published.)
7 BY MS. ARGENTIERI:
8 Q Who is that?
9 A Sandro.
10 Q What was his status in organized crime in the '70s?
11 A An associate.
12 Q And you said he was around Uncle Mickey initially?
13 A Yes.
14 Q Did his status change as you knew him later?
15 A Yes.
16 Q What was he?
17 A He became a soldier in the Bonanno family.
18 Q Was he ever on record with the defendant?
19 A Yes.
20 Q What is a social club?
21 A A social club is a place for men that we would gamble,
22 take sports bets, plan robberies.
23 Q Is it open to the public?
24 A No.
25 Q Just organized crime?

1 A Yes, or associates.
2 Q How often were you at Roberts Lounge in the late 1970's?
3 A Every day.
4 Q What is the largest robbery that you participated in?
5 A Lufthansa.
6 Q When you say Lufthansa, what are you referring to?
7 A The largest robbery in U.S. history at that time was a
8 air -- airline at Kennedy Airport.
9 (Continued on the following page.)
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1 Q Who participated in the robbery of the Lufthansa at
2 Kennedy Airport?
3 A You want to know the actual participants of the robbery?
4 Q Who was involved in planning and carrying out the
5 robbery?
6 A Henry Hill, Marty, Jimmy Burke; Vinny Spero, myself,
7 Tommy DiSimone; Joe Budha, Anthony Rodriguez, Angelo Sepe;
8 Frankie Burke, Danny Rizzo, Louis Caurfolo.
9 Q How did you first -- before we do that --
10 MS. ARGENTIERI: Judge, I'd like to show the witness
11 several photos. I think Government Exhibit 7 is actually in
12 evidence.
13 Q Who is that?
14 A The defendant.
15 MS. ARGENTIERI: The next two are not in evidence,
16 Judge.
17 THE COURT: Okay.
18 Q Do you recognize that person?
19 A Myself.
20 Q That's 93A. Government Exhibit 74, who is that?
21 A Danny Rizzo.
22 MS. ARGENTIERI: Judge, may I publish 93A and 74? I
23 move to admit them.
24 MS. MACEDONIO: No objection.
25 THE COURT: Admitted.

1 (Government's Exhibit 93A and 74 were received in
2 evidence.)
3 Q 93A who is that?
4 A Myself.
5 Q Seventy-four, who is that?
6 A Danny Rizzo.
7 MS. ARGENTIERI: Judge, I'd like to put up this
8 board. Everything on here is already in evidence, Judge.
9 THE COURT: That's fine. If you could move the
10 easel back, though, so everybody could see it. That's a
11 decent place, so the jurors can see it, and the witness can
12 see it.
13 Could you move it back further and turn it slightly
14 so the witness can see it. You can go back. Okay.
15 THE DEFENDANT: Can I see it, please?
16 MS. ARGENTIERI: Oh, sure. Good?
17 THE DEFENDANT: Yeah.
18 Q Can you see that exhibit?
19 A Yes.
20 Q You said that the individuals on this exhibit were
21 involved in planning and carrying out the heist in different
22 degrees; right?
23 A Yes.
24 Q How did you first learn about the score?
25 A From Vinny.

1 Q What did he say to you about it?
2 A That Jimmy Burke has a big score at the airport coming
3 up, and you're invited to go. You want to go? And I said
4 yes.
5 Q How did he describe it?
6 A A couple million dollars in cash.
7 Q Was that a lot of money back then?
8 A In 1978, yes.
9 Q It's a lot of money now?
10 A Yeah.
11 Q What words did he use?
12 A As far as?
13 Q Describing the score?
14 A It's a heist.
15 Q After you agreed with the defendant that you would go,
16 did you have another discussion about the heist?
17 A Yes.
18 Q With who?
19 A Jimmy Burke.
20 Q What did Jimmy Burke say to you?
21 A He said did your cousin speak to you? He said he spoke
22 to me about it and he told you, and you're invited to come
23 with us to do the Lufthansa heist.
24 Q And what did you say?
25 A Yes.

1 Q What was your understanding of what specifically was
2 going to be robbed, what location?
3 A A hanger at Kennedy Airport.
4 Q What hanger?
5 A Lufthansa hanger, 261 Boundary Road.
6 Q What was your understanding of why Jimmy Burke involved
7 Vincent Asaro?
8 A They were partners.
9 Q What was your understanding of why the defendant invited
10 you to go?
11 A He wanted to see me to earn, and he would also have a
12 second income from the heist.
13 Q Can you explain that?
14 A Yeah. If they were eight people, we would get two ends
15 instead of one end, which would be more money for Vinny.
16 Q And as an end -- what's an end?
17 A An end is a part, an equal part of a robbery proceeds.
18 Q After you agreed that you would participate, what
19 happened next?
20 A Jimmy had a couple of meetings, and who was going to go,
21 who all the participants were going to be.
22 Q Where were the meetings held?
23 A At Robert's.
24 Q How many meetings were there, approximately?
25 A Three. Four.

1 Q Who participated in those meetings?
2 A Everybody that was coming on the heist.
3 Q For example, you listed a bunch of people before. Who
4 was Angelo Sepe?
5 A He was one of the participants in the robbery.
6 Q What association did he have with organized crime?
7 A He was an associate of the Colombos.
8 Q What was his relationship to those others involved in the
9 heist?
10 A His relationship --
11 Q Did he commit crimes with anyone?
12 A Yes.
13 Q With who?
14 A With Tommy DiSimone, Danny, Joe Manri.
15 Q You mentioned Anthony Rodriguez. Did he have a nickname?
16 A Snakes.
17 Q Why was his nickname Snakes?
18 A He collected snakes as pets.
19 Q What about Frankie Burke, who was he?
20 A Jimmy Burke's son.
21 Q What was your understanding of why he was invited to go?
22 A Jimmy's son, we wanted him to earn.
23 Q Is did he also commit crimes in the 70s?
24 A Yes.
25 Q Who was he close to?

A Paul Vario.

Q How many sons did Jimmy have?

A Two.

Q What were their names?

MS. MACEDONIO: Objection. Relevance.

THE COURT: Sidebar.

(Sidebar.)

(Outside the presence of the jury.)

1 (sidebar.)
2 MS. ARGENTIERI: Frankie is going to come up here,
3 and Jessie was also at the house the day we searched it. In
4 fairness to me, I was going to ask him what was your
5 understanding why he named them.
6 MS. MACEDONIO: As far as what their names are, I
7 have no objection to that.
8 THE COURT: Sorry. I can't hear what you're saying.
9 MS. MACEDONIO: I think maybe we need to give you a
10 little background. You intended to elicit --
11 MS. ARGENTIERI: Their names are Jessie and Greg.
12 MS. MACEDONIO: And?
13 MS. ARGENTIERI: What was your understanding of who
14 they were named after. Jimmy Burke told him that. I don't
15 understand what the objection is.
16 MS. MACEDONIO: I don't know why that's relevant to
17 Mr. Asaro's guilt.
18 MS. ARGENTIERI: Their names are relevant.
19 THE COURT: Wait a second. Who are they named
20 after?
21 MS. MACEDONIO: So I believe that they're named
22 after famous robbers; Jessie James Burke.
23 MS. ARGENTIERI: They are.
24 MS. MACEDONIO: So --
25 THE COURT: It's harmless.

1 MS. ARGENTIERI: I also wanted to raise one other
2 thing. I know that we're not allowed to get into what
3 happened to the other person specifically, but my
4 understanding is that I am allowed to elicit that some of them
5 just died, but not how they died -- because otherwise I can't
6 explain that recording, so I'm not going to say were they
7 murdered, killed, or go missing. But some point later in his
8 direct I plan to ask him what happened to other participants?
9 THE COURT: You can ask him are they still alive?
10 MS. ARGENTIERI: The question is were they alive at
11 the time of the heist? I told him he's not allowed to say I
12 killed. He's not allowed to say murdered.
13 THE COURT: I can understand that. A neutral
14 explanation is appropriate, just to put it together. I don't
15 think anyone would necessarily --
16 MS. MACEDONIO: But you instructed him.
17 THE COURT: He's not going to say anything.
18 MS. ARGENTIERI: I told him he's not allowed to say
19 that. 1,000 percent no ones looking to elicit anything that
20 would contradict the Court's instruction. I'm just letting
21 you know.
22 (Sidebar concluded.)
23
24
25

(In the presence of the jury.)

MS. ARGENTIERI: May I, Judge?

THE COURT: Please.

Q What were Jimmy Burke's sons' names?

A Frankie Burke and Jessie Burke.

Q What was your understanding of who they were named after?

A Jimmy always liked Jessie James and Frank James, the cowboy guys that were outlaws.

Q You also mentioned that Danny Rizzo participated in the heist. Who was he?

A He was an associate of the Lucchese crime family.

Q At the time?

A At the time.

Q Was he later an inducted member?

A Yes.

Q You said Louie. Did he have a nickname?

A Fat Louie.

Q And what was his association with organized crime at the time?

A He was an associate.

Q What about Tammy DiSimone, who was he?

A He was a partner of Jimmy's, and Vinny's, and Jimmy Santos.

Q In what?

A In Robert's Lounge, in the club.

1 Q In criminal activity?
2 A Yes.
3 Q What about -- you said Joseph Manri. Who is that?
4 A He had a nickname Joe Budha. He was an associate of
5 organized crime.
6 Q Did the individual that -- and what was the defendant's
7 involvement in the Lufthansa heist?
8 A What was --
9 Q Vinny Asaro's involvement in planning the Lufthansa
10 heist?
11 A Yes, he was involved.
12 Q What about Jimmy Burke?
13 A Yes, he was involved.
14 Q What was discussed at the planning meetings that you had
15 before the heist?
16 A We were to go over the incidentals that were involved in
17 the heist itself. We were told to make sure that we went
18 there at least twice, in case something went wrong with the
19 heist. Then we could find a venue to escape in case the
20 police came.
21 Q You were told to go there?
22 A Yes.
23 Q Did you discuss that with the defendant?
24 A Yes.
25 Q What did he tell you?

1 A Make sure that I go.
2 Q And did you go there?
3 A Yes. I went twice.
4 Q Did you go by yourself or with someone else?
5 A First time I went with Frankie Burke, and the second time
6 I went alone.
7 Q What did you see when you went there?
8 A The hanger, 261 Boundary Road, and ways to escape, in
9 case, something went down the wrong way, the law would come.
10 Q After you went there, did you discuss it with the
11 defendant?
12 A Yes.
13 Q What did you say?
14 A That I went and looked at it.
15 Q What did he say?
16 A He said are you sure you did? I says, yeah, I did.
17 Q During these planning meetings, what was discussed about
18 how the robbery would take place inside the terminal?
19 A There were supposed to be, I don't know, about 10 to 14
20 people working there. They would be in the lunchroom area,
21 having lunch at the time. And six people -- six of us or
22 seven of us -- I'm not really sure. Six or seven would go in
23 to the front of the building and capture them, hold them at
24 bay with guns. And then the truck was to go around the back
25 of the building, and wait until the bay doors were open, and

1 then pull the truck in.
2 Q Did you have any inside information about how the hanger
3 was set up?
4 A Yes, we had plans.
5 Q What was -- I'm sorry?
6 A Architectural plans.
7 Q What was your understanding of where those plans had come
8 from?
9 A A person. Marty.
10 Q Who was involved in getting the plans from Marty?
11 A Henry Hill.
12 Q Was he involved in the actual robbery?
13 A No.
14 Q Approximately when did the heist occur?
15 A December 11th, 1978.
16 Q Where did you go that night?
17 A To Jimmy Burke's house.
18 Q Who were you with?
19 A Vinny Asaro.
20 Q How did you get there?
21 A Vinny drove me.
22 Q In the car, did you have a discussion about the robbery
23 with Vinny?
24 A Yes.
25 Q What did he say to you?

A Make sure you do everything you're supposed to do. You know, don't dog it; in other words, don't run away from it. Anything happens, just stand your ground and continue to do the robbery to the best you can.

Q Would it have reflected poorly on the defendant if you'd done it, if you'd dogged it?

A Yes.

Q What, if anything, did he give you in the car?

A A pistol.

Q What kind of pistol?

A .38 hammerless.

Q What does it mean to be hammerless?

A There's no hammer on it, the thing that you pull back from a normal gun.

Q Where did you go that night?

A To Burke's house.

Q When you got to Jimmy Burke's house, who else was there?

A Tommy DiSimone, Angelo Sepe, Danny. We were waiting on some other guys to come. Jimmy Burke was there.

MS. ARGENTIERI: Judge, can I show something just to the witness?

THE COURT: Yes.

Just say whether or not you recognize it, sir.

Q Government Exhibit 34, do you recognize it?

A Yes.

Q Government Exhibit 118?
A Yes.
MS. ARGENTIERI: May I publish Government Exhibit 34, Judge? I move to admit both, actually.
MS. MACEDONIO: No objection.
THE COURT: Admitted and you may publish.
(Government's Exhibit 34 and 118 were received in evidence.)
Q Who is that?
A Tommy DiSimone.
Q Government Exhibit 118, what is that?
A Jimmy Burke's house.
Q You said when you got there, Tommy DiSimone was there?
A Yes.
Q What was he doing?
A He was playing around with his guns.
Q Did he have a nickname?
A Tommy Two Guns. TNT, they used to call him.
Q When you got there, what was Tommy doing with his guns?
A He had a silencer, and he said he wanted to try it out.
Q Did you go with him?
A Yeah. He says come outside with me; we're going to the marsh are. I want to try the silencer out. I walked in front of him, and I he tried the silencer out. He shot it a few times.

Q Were you nervous?
A Yes.
Q Why?
A He was known as a killer, you know, for basically no reason to kill, and I walked in front of him like it was nothing.
Q Who else -- was there a final meeting at Jimmy Burke's house that night?
A Yes.
Q Were all the participants that you listed there?
A Yes.
Q During that final meeting, what did you talk about?
A How everything was supposed to go down.
Q And what was agreed? What were you going to do?
A I was going to -- well, this was prior to this meeting. I was going to cut the lock with a bolt cutter.
Q When you say cut the lock, what are you referring to?
A The lock. There was a fence there to cut the lock on the gate so that the van could pull to the back of the hanger.
Q Who had told you about the fence and the lock?
A Jimmy.
Q What did he tell you to bring with you?
A Bolt cutters.
Q Did you have it with you that night?
A Yes.

1 Q So if you were going to cut the lock, what was Tommy
2 going to do? I'm sorry. What was Frankie going to do?
3 A Frankie was driving the van.
4 Q What were the roles of the other individuals?
5 A Jimmy and Vinny were going to be in a crash car about a
6 mile away from the actual robbery.
7 Q Prior to that night, did you know that Vinny Asaro and
8 Jimmy Burke weren't going to actually go into the robbery
9 location?
10 A No.
11 Q How did that come about?
12 A The same night Jimmy said to us -- he said, you know, I'm
13 not going to be able to go; I'll be a three-time loser. I'll
14 be facing a lot of time. And he was in a halfway house at the
15 time. And he says I'm going to be with Vinny. We'll be in
16 the crash car, and everybody agreed to it. No problem. Okay.
17 Q And so where were they going to wait?
18 A 150th Street and Conduit.
19 Q Is that near the robbery location?
20 A Yeah, just about a mile away, maybe.
21 Q What car or truck were you going to use?
22 A We had a van.
23 Q Where did the van come from?
24 A Frankie Burke and Angelo Sepe had stolen it from Forest
25 Hills.

1 Q What kind of van was it?
2 A A Ford.
3 Q What color was it?
4 A Black.
5 Q What did the doors look like?
6 A Two doors in the back and a door on the side.
7 Q Did Vinny -- did -- on the night of the robbery, where
8 did you go?
9 A To Jimmy's house.
10 Q After that?
11 A We went to the Lufthansa terminal.
12 Q Who got into the van?
13 A Everyone except Jimmy and Vinny.
14 Q What car did they get into?
15 A It was a black car. I don't really recall.
16 Q What, if anything, did Jimmy say about how he was going
17 to distract people at the terminal?
18 A He said he would make a call that there was a bomb in the
19 airport on the opposite end of the terminal, the Lufthansa
20 terminal.
21 Q What was the purpose in that?
22 A Any agencies, Tupunia (phonetic), which is a Port of New
23 York Authority Agency or the FBI agents. They have a place in
24 the airport. They would go to the other end of the airport to
25 investigate the bomb.

1 Q Do you know if he actually did that?
2 A No, I do not.
3 Q So the rest of you got into the car. And where did you
4 go?
5 A Into the van.
6 Q I'm sorry. The van. Where did you go?
7 A To the airport, to the Lufthansa terminal.
8 Q How were you and the others dressed?
9 A All in black, dark clothes, ski masks, gloves.
10 Q What happened when you got to the terminal?
11 A I was the first one out. I went out the backdoor, and
12 cut the lock on the gate. There's a knoll there, look a
13 grassy knoll that I went down. Cut the lock on the gate.
14 Frankie took the other participants to the front of the
15 building. They got out of the van, and Frankie came towards
16 me. I opened the gate. He pulled in. I closed the gate, put
17 the lock back on, and we parked in the back of the hanger,
18 waiting for them to come open the doors for us.
19 MS. ARGENTIERI: May I show something just to the
20 witness, Judge?
21 THE COURT: Yes.
22 MS. ARGENTIERI: Government Exhibit 131.
23 Q Do you recognize that?
24 A Yes.
25 Q Can you see it?

A Yes. That's good that way.
Q This way?
A Yes.
Q What is it?
A Lufthansa terminal.
Q Other than the cars and the plane, is that generally the lay out of the terminal?
A Yes.
MS. ARGENTIERI: Move to admit.
Q This is generally the layout of the terminal when you were there in the buildings?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government's Exhibit 131 was received in evidence.)
MS. ARGENTIERI: May I publish, Judge?
THE COURT: Yes.
Q So looking at this exhibit, what is it?
A I can't hear you, Nicole.
Q I'm sorry. Looking at this exhibit, what is it?
A Lufthansa terminal.
Q And this is the terminal itself. Is there, like, a road that goes around here?

A Yeah that's Boundary Road.
Q When you said Boundary Road, you can kind of see it in the lower left-hand corner; right?
A Yes.
Q When you said Boundary Road, is that what you were referring to?
A Yes.
Q Where did Frankie park the van, if you can just show us on this exhibit?
A Approximately here (indicating).
Q By where the plane is?
A Where we went in, or the part where he let me out?
Q Starting with where he let you out. You made the mark. I'm sorry. I couldn't see it.
Is that where you went in, where you made the mark?
A Yes.
Q And what did you do there?
A What did I what?
Q How did you let them in?
A I went down this knoll, and there was a gate here. I cut the lock. Frankie drove. I went down this -- it was a gate here. Frankie dropped them off over here, somewhere in the front, then drove to where -- this area, and then we drove and parked in that area.
Q Toward the back?

A Yes. See it?
Q See it.
And so you said you pulled up. You got out, cut the lock, and then went around. And then you re-met up with Frankie at the truck?
A Yes.
Q The van?
A Yes.
Q How long did you sit there?
A In the van?
Q Yes.
A About 15, 20 minutes.
Q And where was everyone else, at that point?
A In the building.
Q What happened after 15 or 20 minutes?
A The guard came walking to go enter the door, and then he spotted the van, and he starts walking towards the van. So I got out of the van, and Frankie got out of the van. And he must have surmised something was up, and he started running towards the door of the building, and we chased him. As he starts to open the door of the building, I hit him with a pistol in the head, and he fell down, yelling help. And Frankie stuck the gun in his eye as he was down on the ground. And he said just relax, he says.
And we picked him up. We walked him over to the van

1 and put him in the back of the van, and then this other guy
2 came walking out, and he said what's going on out here?
3 Somebody's yelling help. And I says, oh, no, no, we're just
4 waiting. And we started to walk towards him, and he was
5 walking towards us, and then I took the pistol, and I held it
6 on him. And I said just relax. Nobody's going to get hurt.
7 Just come with us and sit in the van, and we put him in the
8 van. So there were two of them in the van.
9 And then maybe 10 -- 10 minutes went by, and then
10 Joe Budha came out. And I said what's taking so long? What's
11 going on in there? And he said we're looking for a couple
12 more guys. Not everybody's here. The guard -- I said I got
13 two guys in the van, and he said, oh, okay, and that's it.
14 And --
15 Q What happened then?
16 A And the bay doors opened. We pulled in. They closed the
17 bay door, took the two guys out of the van, and brought them
18 upstairs to where the rest of the employees were.
19 Q Do you remember was -- the door that got opened, what
20 kind of door was it?
21 A Like a garage door that went up.
22 Q And it opened?
23 A Yes.
24 Q Like a rolling door. And then when you got inside and
25 you went up the steps, what were the steps made out of?

1 A Metal.
2 Q Where did you bring these other two men?
3 A To the lunchroom, where the other -- there were maybe 10
4 or 12 other people laying flat down.
5 Q When you were interacting with those men, what, if
6 anything, did you take from any of them?
7 A I took his badge.
8 Q Why?
9 A Just to put it on.
10 Q Were you wearing a mask?
11 A No.
12 Q Was Frankie wearing a mask?
13 A No.
14 Q And it was you and Frankie Burke that were down there
15 waiting and interacting with those two gentlemen, the two
16 Lufthansa workers?
17 A Correct. We didn't wear a mask outside, but when we got
18 inside, we put our ski masks down.
19 Q Why didn't you wear masks when you were outside?
20 A It was too inconspicuous, in case someone was to pass by
21 and see two guys sitting in a van with masks on.
22 Q And you said you brought them to where everyone else is.
23 What happened then?
24 A Danny was holding everybody upstairs, and I said what
25 happened to him? Because he had blood on him. I says -- he

1 tried to, you know, give us a little tussle, and I had to hit
2 him. And I says okay. I says just keep an eye on him that's
3 a little closer. And then we went downstairs, and the truck
4 was already. We walked towards where the van was. It was
5 near the vault, and they had this -- one of the workers down
6 there, telling him to open up the vault door.
7 Q And did he open up the vault door?
8 A Yes, he did.
9 Q How did the vault doors open?
10 A They were like -- it was like a sliding door, two doors.
11 Q Could you open them all at once?
12 A No, one door had to be closed, or the alarm would go off.
13 Q Who went into the vault first?
14 A Tommy DiSimone.
15 Q What happened?
16 A I was second person to go into the vault. Then Tommy
17 took a box from the right-hand side, there on the shelf, and
18 he threw it down on the floor. And I pushed it closer to him,
19 and he stepped on it with his foot, and the yellow Styrofoam,
20 like popcorn, popped out of the boxes. And Tommy put his hand
21 in there, and he pulled out two packages of money. Both
22 contained $125,000 in hundred dollars bills. So Tommy says
23 this is it. This is it. He says take all these 50 boxes.
24 We're thinking that it was supposed to be a $2 million score.
25 So there were 50 boxes, and we loaded the 50 boxes. And there

1 was sacks of -- burlap sacks of gold chains, crates of
2 watches, a big -- like a three-by-three metal box with little
3 drawers on it, and each drawer had diamonds in it, and
4 emeralds, and all different stones. And we loaded everything
5 onto the van, made a chain, and loaded it.
6 Q After you got everything onto the van, what happened?
7 A We left the building. We left the property, and we met
8 up with Jimmy and Vinny.
9 Q Where?
10 A On 150th Street and South Conduit.
11 Q What happened when you got there?
12 A Frankie made, like, a left-hand side turn, and Jimmy
13 pulled up alongside him. Where to, you know.
14 Q To that point, did you have an escape plan?
15 A No. It's amazing. A robbery that big, and nothing was
16 ever discussed about where to go afterwards. Then Vinny
17 yelled out bring it to my cousin's house, and that's where we
18 went, to my house.
19 Q I'm going to show you a couple photos.
20 MS. ARGENTIERI: Judge, may I show something just to
21 the witness?
22 THE COURT: Yes.
23 Q Just say whether or not you recognize it. Okay? Just
24 tell me whether or not you recognize it, Government Exhibit
25 112?

A Yes.
Q 113?
A Yes.
Q 117A?
A Yes.
Q 117B?
A Yes.
Q 117C?
A Yes.
Q 117D?
A Yes.
MS. ARGENTIERI: I move to admit Judge.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government's Exhibit, 112, 113, 117 A through D were received in evidence.)
Q Government Exhibit 112, what is that?
A That's where Vinny and Jimmy were waiting for us.
Q What intersection was it?
A 150th Street and North Conduit.
Q And in the 1970s -- obviously this is a more recent photo; correct?
A Yes.
Q In the 1970s, was there a gas station there?
A Yes.

Q 113, what does that show?
A 150th Street.
Q You said -- who was it that said let's take it back to my cousin's house?
A Vinny.
Q And where were you living, at the time?
A Blake and Drew, down the hole.
Q 117A, what is that?
A That's my house, where I lived.
Q Down the hole?
A Yes.
Q Is that where you went that night?
A Yes.
Q What happened when you got there?
A We pulled into the driveway. I went in through the front down, into the basement, opened the side door, and we made a chain-like, a command, to unload the van, and hand everything down to the next person, and unloaded the van.
Q At that time, did anyone else live with you? At that time, did anyone else live with you?
A Yes.
Q Who?
A My wife, and my children, my mother, my sister.
Q When you arrived, was anyone else home?
A Yes.

Q Where were they?
A Sleeping.
Q What time of night did you carry out the robbery?
A Between 2 o'clock and 3 o'clock.
Q In the morning?
A Yes.
Q Where did you -- where in your house did you direct that the boxes be brought?
A In the basement.
Q What did the basement look like?
A It was one big -- one big room, and then towards the back, and there were a few rooms in the front.
Q Which room did you put the boxes in?
A In the back.
Q At that point, did someone leave?
A Yes.
Q Who left?
A Jimmy Burke, Tommy DiSimone and Vinny.
Q What did Vinny say to you?
A That he was going to take Tommy and Jimmy back to the halfway house.
Q Did Vinny come back right away?
A No, he never came back.
Q When you say they were in a halfway house, what's a halfway house?

1 A They were in jail, and they had to report to this halfway
2 house that they were allowed out during work. If they had a
3 job, they can go to work during the week, and they had to be
4 back at a certain time.
5 Q To check in?
6 A To check in; right.
7 Q So Vinny brought Jimmy and Tommy back to the halfway
8 house?
9 A Yes.
10 Q And then where did he go?
11 A To a club, Fat Andy's club, on 184th Street and Liberty
12 Avenue.
13 Q What was your understanding of why he left, at that
14 point?
15 A There was -- to take them back, and there was no reason
16 for him to be there.
17 Q What did you do when you stayed? What happened next?
18 A We -- I was separating gold chains and watches, and the
19 diamonds, and the emeralds, and rubies, just looking in the
20 drawers, seeing how much was there. And there was German
21 money there also.
22 Q You and the others were taking stock?
23 A Yes.
24 Q Who else was with you?
25 A Everybody that was on there, except Jimmy, Vinny, and

1 Tommy.
2 Q What happened to the van?
3 A When Angelo Sepe left, he drove it and dropped it off in
4 Brooklyn.
5 Q Was it found later?
6 A Yes.
7 Q Can you describe what kinds of jewelry you saw in your
8 basement that night?
9 A Chains, herringbone, round chains. There were sacks and
10 sacks of chains, watches, Cartier watches, watches that had --
11 some of them had diamonds on them. Rings. A lot of
12 different -- mixed jewelry, all gold and platinum.
13 Q So you said there was gold. There were watches. What
14 was in the metal case?
15 A In the metal case there were all precious stones;
16 diamonds, emeralds, rubies.
17 Q Did you count up the money, you and others?
18 A Yes.
19 Q What was the final count?
20 A I think it was 6,250,000 in cash.
21 Q How long did you and the others stay in the basement
22 sorting the robbery proceeds?
23 A About two hours.
24 Q What happened then?
25 A Everybody left. I shored up everything, locked the

windows, locked the door.
Q Why did you lock the windows?
A So no one could look in and see all the stuff we had there.
Q Who was the last person to leave your basement?
A I was.
Q Where did you go?
A I went to see Vinny.
Q Where was he?
A At a club on 84th Street, 101st Avenue, Liberty Avenue.
Q A social club?
A Yes.
Q Whose club was it?
A Fat Andy, Skinny Dom.
MS. ARGENTIERI: Judge, may I show something just to the witness?
THE COURT: Yes.
Q Government Exhibit 79, do you recognize that person?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
(Government's Exhibit 79 was received in evidence.)
MS. ARGENTIERI: May I publish?
THE COURT: Yes.
Q Who is that?

A Fat Andy.
Q What crime family was Fat Andy associated with?
A I'm not really sure. I believe -- oh, Fat Andy? The Gambinos.
Q Were you concerned about leaving all of that money and jewelry in the basement?
A Not until later on, when I met with Vinny.
Q When you first met with Vinny, where were you?
A Outside of the club.
Q What did you tell him?
A How much money was there, how much cases of jewelry and sacks of gold chains were there.
Q What was the mood?
A Very happy, very -- euphoria. We thought there was going to be 2 million in cash, and there was over 6 million, without the gold and without the German money.
Q At that point, what, if anything, did the defendant say to you?
A He said we got to be real careful now. He said they'll look to rob us, you know, look to kill us and take the stuff. Kind of let me down, like, you know.
Q When he said they'll look to kill us, they'll look to rob us, who was he referring to?
A Could have been anyone, you know. Anyone that knew of the score.

1 Q Could it have been Jimmy?
2 A It could have been Jimmy; it could have been Angelo,
3 because there were different families involved.
4 Q Now, after that, you have that conversation with the
5 defendant. Did he say anything else to you?
6 A Just be careful, you know, because everything is by the
7 yard (sic). So from a happy, happy person, I became a very
8 sad person, because my family was in the house.
9 Q Were you afraid?
10 A Yeah, that somebody looked to come back and take
11 everything that was there and hurt myself, my family.
12 MS. ARGENTIERI: Judge, I don't know what time you
13 wanted to break.
14 THE COURT: I wanted to break when lunch came, but I
15 could certainly do a short break now. Lunch will probably be
16 here at 1:00. Would you like me to do a short break now?
17 MS. ARGENTIERI: I think so. Is that okay?
18 THE COURT: We will resume at 12:30.
19 (Outside the presence of the jury.)
20 THE COURT: I'll be back.
21 MS. FERRONE: Thank you, Judge.
22 (Recess.)
23 (Outside the presence of the jury.)
24 THE COURT: Are we ready?
25 MS. ARGENTIERI: We are.

(Outside the presence of the jury.)

MS. ARGENTIERI: Judge, do you have the ability to print the screen when the witness marks something on the exhibit?

THE COURT: I haven't the faintest idea.

(In the presence of the jury.)

THE COURT: Please be seated.

Ms. Argentieri.

Q Just a reminder, you're still under oath.

A Yes.

Q After the robbery, did you keep everything at your house for a short time?

A Yes.

Q You had the money, the jewelry. What else was there?

A Money and jewelry.

Q What did the money and jewelry come in?

A Crates, wooden boxes, cardboard boxes, burlap sacks.

Q After the robbery, did the defendant send you a message to come see him?

A Yes.

Q What happened?

A Jerry came to see me.

Q Who is Jerry?

A Vinny's son.

Q What did he tell you?

A That his father wanted to see me.
Q And right after the robbery, were you staying away from the defendant?
A Yes.
Q Why?
A He told me to stay away from him.
Q What was your understanding of why?
A Because Robert's Lounge would be hot, because that was the -- a lot of agencies were going to be watching the airport crew that would do a lot of robbing from the airport.
Q When Jerry Asaro brought you the message to go see his father, where did you go see him?
A I believe it was at the fence company.
Q What happened when you saw him?
A He gave me money to go buy Christmas trees, and to tell -- set up in front of the house, the trees, as to sell the Christmas trees so I could burn the evidence in the fire in a big barrel. Normally when you see Christmas trees, you always see a fire going.
Q He told you to do that?
A Yes.
Q Did you take the money and go buy the Christmas trees, as he said?
A Yes.
Q Where did you set up?

A In front of the house and on the side, in front of the side of the house.
Q Does your house have, like, an empty lot around it?
A Yes.
MS. ARGENTIERI: Judge, can I show the witness 117-1?
THE COURT: Yes.
Q See those four photos?
A Yes.
Q What are they of?
A The house. That's the house where I lived.
Q Down the hole?
A Yes.
Q Where you brought the robbery money and jewelry?
A Yes.
MS. ARGENTIERI: I offer it, Judge.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government's Exhibit 117-1 was received in evidence.)
MS. ARGENTIERI: Just going to hold it for one second.
Q So looking at this exhibit, where did you set up? If you could indicate which photo did you set up the tree stand?
A Top left.

Q (Indicating)?
A Yes, where that fence is.
Q (Indicating)?
A That's it.
MS. ARGENTIERI: Indicating the fence in the top left photo, for the record.
Q Which fence, sir?
A The fence -- I was going to say the fence towards the left.
Q Here?
A Yes.
Q What did you do while you were selling these Christmas trees?
A I was burning the evidence, the wooden crates, the burlap sacks, the cardboard boxes.
Q What happened with the popcorn?
A I tried to burn it in the furnace, but it came out through the top of the house, the chimney.
Q So what did you do with it?
A So we had to put it in plastic bags, garbage bags. And down the block from there, about three blocks, was a sanitation dump ground that we dumped it.
Q Who dumped it?
A Jerry and myself.
Q What was your "end" from the Lufthansa score supposed to

1 be?
2 A 750,000.
3 Q What was the defendant's "end" supposed to be?
4 A 750,000, without the jewelry.
5 Q After the robbery, with regard to the money you were
6 keeping in your house, was that all yours?
7 A No.
8 Q Did that money get divided up?
9 A Yes.
10 Q For holding?
11 A Yes.
12 Q What, if anything, did Jimmy Burke and the defendant say
13 about spending that money in the time period right after the
14 robbery?
15 A Don't spend anything. Don't buy anything major. He gave
16 very little money out in the beginning.
17 Q Did you get some money at Christmas?
18 A Yes.
19 Q Who gave that to you?
20 A Vinny.
21 Q How much?
22 A Twenty thousand.
23 Q What was your understanding of why they didn't want you
24 to be spending the money?
25 A To draw heat onto you.

Q After that robbery, was there a lot of heat?
A Yes.
Q What's heat?
A Law enforcement.
Q Where was the heat directed in that time frame?
A Robert's Lounge, basically.
Q With regard to the money that was kept in your house, at a high level, where did the money go?
A (Unintelligible response.)
Q After you were holding it, who came and took it?
A Angelo Sepe, Burke.
Q With regard to the money that Angelo Sepe took, where did he bring it?
A Upstate.
Q Where did he tell you he was bringing it?
MS. MACEDONIO: Objection.
THE COURT: Is you're concerned about --
MS. MACEDONIO: No, Judge.
Q Where did he tell you he was bringing it?
A Upstate.
Q It to where?
A To one of the Persico's home.
Q Who were the Persicos?
A The Colombo crime family.
Q Was Angelo Sepe associated with them?

A Yes.
Q You said Frankie Burke took some of the money?
A Yes.
Q And then did you keep the rest of the money?
A Yes.
Q What happened to the money that you kept?
A I brought it to a cousin of mine on Sheraton Avenue.
Q What cousin?
A Gasper.
Q Why did you bring it there?
A Just to get it out of my house, to make it safer for --
Q Did you and the defendant then place the money with trusted individuals?
A Yes.
Q Who were the trusted individuals?
A Dominick Ginero, Johnny Tag, Frankie Roder. Did I say Dominick Ginero?
Q You did.
A A fellow named Ronnie.
Q And then did you keep some of the money at your house?
A Yes.
Q Where did you hide the money that you kept in your house?
A In door frames of closets, the jamb, the door frames.
Q Who was Dominic Ginero?
A He was an associate of my uncle.

Q Who was close to him?
A Vinny.
Q Who brought the money to Dom Ginero?
A I did.
Q Why?
A So that he could hold it for us.
Q Who told you to do that?
A Vinny.
Q Who was Frankie Roder?
A He was an associate of my uncle's.
Q When you keep saying your uncle, what uncle are you referring to?
A My Uncle Jerry.
Q Vinny's father?
A Yes.
Q Had you committed crimes with Frankie?
A Yes. Highjacking.
Q The first robbery you told us --
A First robbery; right.
Q Where did Frankie live?
A In Rosedale, part of Long Island.
Q What did he do with the money? Where did he keep it?
A He said he was keeping it out in his mother-in-law's house in Moriches.
Q Around how much money did Frankie Roder hold?

1 A A hundred and fifty thousand.
2 Q You said -- you mentioned an individual named Johnny Tag.
3 Who is Johnny Tag?
4 A He was a friend of mine, and Vinny's, and my cousin
5 Gasper's.
6 Q What's your cousin Gasper's last name?
7 A Ferreri.
8 Q Does he have a son with the same last name?
9 A Yes.
10 Q Where did Johnny Tag live?
11 A On the same block as Gasper, a few homes down.
12 Q Who brought the money to Johnny Tag?
13 A I did.
14 Q Why?
15 A Vinny told me to.
16 Q You said someone named Ron also held money?
17 A Yes.
18 Q Ron or Ronnie?
19 A Ronnie.
20 Q What kind of business did Ronnie's family own?
21 A They had a fence business.
22 Q What was the name of it?
23 A Pilot.
24 Q Who had a relationship with Ronnie?
25 A Vinny.

1 Q Were you close to him?
2 A No, I didn't know Ronnie until I was introduced.
3 Q Where did Ronnie live?
4 A 103rd Avenue and Woodhaven Boulevard.
5 Q Do you remember anything about his house?
6 A It was a fairly newer home, big home. He had central air
7 conditioning; that's where he put the money in the bedroom.
8 Q Who brought the money to Ronnie?
9 A I did.
10 Q Did you tell any of those people what the money was from?
11 A No.
12 Q What, if any, marks were on the money?
13 A There were ink marks, like a stamp, very small. Some
14 were circles. Some were a couple of lines, green and an
15 orange, or red.
16 Q Over the next couple months, what did you do with regard
17 to the money that was held in those various places?
18 A I tried to -- I did take the markings off the stamps with
19 the bleach and a Q-tip.
20 Q Uh-huh.
21 A And it would come off very easily. It's just that there
22 was so much of it.
23 Q How long did those different individuals hold on to that
24 money for?
25 A Anywhere from months to a year.

1 Q Did you occasionally go and take money from those
2 individuals?
3 A Yes.
4 Q Without the defendant's knowledge?
5 A Yes.
6 Q Sometimes with his knowledge?
7 A Yes.
8 Q After the robbery, did you and the defendant kick up?
9 A Yes.
10 Q Who received money from the robbery in organized crime?
11 A There were tributes given. Uncle Mickey, Paul --
12 Q I'm sorry. I interrupted you. You said Uncle Mickey?
13 A Yes.
14 Q At that time, what was Uncle Mickey's position in
15 organized crime?
16 A He was a captain.
17 Q Was he Vinny's captain?
18 A Yes.
19 Q How much did you give to Uncle Mickey?
20 A A hundred thousand.
21 Q Who else in organized crime received an end?
22 A Paul Vario.
23 Q How much did he get?
24 A A hundred thousand.
25 Q I'm sorry. I said "an end." I guess I should have said

a payment. He got a hundred thousand. Did anyone else from the Vario familiar get money from the heist?
A Yes.
Q Who?
A Peter.
Q What was your understanding of why Peter Vario got money?
A I couldn't understand it.
Q What do you mean?
A I didn't know why. He wasn't there at all. He didn't participate in the robbery whatsoever.
Q After the robbery, over the next year, did you and the defendant receive payouts from Frankie Burke?
A Yes.
Q Where did you receive your money?
A Frankie would bring it to my house.
Q To your knowledge, did the other participants in the Lufthansa heist receive their full end?
A No.
Q What happened to certain of the participants in the heist after the heist?
A Some died, and some went missing.
MS. MACEDONIO: Objection.
THE COURT: Would you please ignore that last comment. Completely eliminate it from your consideration. It wasn't said.

Q Did you receive money from that robbery?
A Yes.
Q What did you do with it?
A I gambled.
Q Where did you gamble?
A Racetrack, social clubs.
Q Did you receive your full end?
A I -- not -- how could I say this? Yeah.
Q Explain it.
A I received the initial first end, because other people who disappeared --
MS. MACEDONIO: Objection.
THE COURT: Sustained. Please just answer the question without references.
THE WITNESS: Repeat the question, please.
Q You're saying you received the full 750. You received the full $750,000 that was due to you?
A Yes.
Q Did Vinny Asaro receive his end?
A Yes.
Q What did Vinny Asaro spend his end on?
MS. MACEDONIO: Objection.
THE COURT: Overruled.
THE WITNESS: He -- can I answer?
THE COURT: Yes. I'm sorry. Go ahead.

1 THE WITNESS: He gambled it. He bought a home in
2 Moriches. He bought cars.
3 Q What kind of car did he buy?
4 A A Lincoln, a Bill Blass model.
5 Q You said he bought a house in Moriches?
6 A Yes. A boat.
7 Q A boat?
8 A Yes, a formula.
9 Q When was the last time that you received a payment
10 related to the Lufthansa score? What time of year was it?
11 A Around Christmastime.
12 Q Who brought it to you?
13 A Frankie Burke.
14 Q Was it just for you?
15 A No.
16 Q Who was it for?
17 A For Vinny and me.
18 Q Where did you put it?
19 A In my house.
20 Q How much money was it?
21 A A hundred thousand.
22 Q You said you also robbed a lot of jewelry, gold chains,
23 jewels. What happened to the jewelry after the score?
24 A Some was given -- some was given as a tribute, and some
25 was sold. The jewelry, some was sold, and some was given as a

1 tribute.
2 Q Who received jewelry as a tribute?
3 A Joe Massino.
4 Q At the time that Joe Massino received a tribute, what was
5 his position in organized crime?
6 A Captain.
7 Q Was Vinny assigned to him, at that time?
8 A Yes.
9 Q Was that months or a year after the robbery?
10 A Yes.
11 MS. ARGENTIERI: May I show something just to the
12 witness?
13 THE COURT: Yes.
14 MS. ARGENTIERI: I actually think it's in evidence,
15 Judge, Government Exhibit 59?
16 Q Showing you Government Exhibit 59, who is that?
17 A Joe Massino.
18 MS. ARGENTIERI: Judge, I believe this is in
19 evidence, so it can be shown to the jury. It's not? I move
20 to admit it.
21 MS. MACEDONIO: No objection.
22 THE COURT: Admitted.
23 (Government's Exhibit 59 was received in evidence.)
24 Q Who is that?
25 A Joe Massino.

1 Q What happened with the gold watches?
2 A They were -- some of them -- Joey was in that tribute.
3 John Gotti, a tribute. Gold was sold to Tony Lee, who had a
4 store on the B Avenue.
5 Q Were there gold watches or just gold chains?
6 A Gold watches, gold chains, gold ring.
7 Q What jewelry was delivered to Tony Lee?
8 A Gold chains and gold watches.
9 Q What business did Tony Lee have?
10 A He had a gold store.
11 Q Where was it?
12 A On Liberty Avenue, in Queens.
13 Q Did you go there?
14 A Yes.
15 Q What did you bring there?
16 A I didn't bring anything there.
17 Q What happened when you got there?
18 A What happened when I got there? I never --
19 Q You never went there?
20 A Yeah, I was there in his store, but I never brought him
21 the gold.
22 Q What was your understanding of who was bringing Tony Lee
23 the gold?
24 A Vinny.
25 Q And who was Tony Lee?

A He was a made member in the Gambino crime family.
Q What was his relationship with the defendant?
A They were friends.
MS. ARGENTIERI: I'd like to just show the witness two exhibits.
Q Please just say whether you recognize the exhibit. Government Exhibit 47?
A Yes.
Q Government Exhibit 48?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government's Exhibit 47 and 48 were received in evidence.)
MS. ARGENTIERI: May I publish?
THE COURT: Yes.
Q Who is that, Government Exhibit 47?
A Tony Lee.
Q Government Exhibit 48, who is that?
A His brother Mike Egal.
Q What did Mike Egal's status in organized crime?
A He was a soldier with the Gambinos.
Q What was your understanding of why John Gotti received a tribute payment?

1 A Just to keep peace among the families.
2 Q What do you mean by that?
3 A We didn't want no retaliation in any way, you know, that
4 they were looking to rob us, or whatever retaliation that
5 there might have been, and he was the boss of the family.
6 Q Who was Richard Eaton?
7 A He was a -- he was from Florida, a drug dealer.
8 Q Who did he have a relationship with at Robert's Lounge?
9 A Jimmy Burke.
10 Q How many times did you meet him?
11 A Once.
12 Q Where were you?
13 A At Afters.
14 Q What was Afters?
15 A Afters was a nightclub.
16 Q What night club?
17 A It was owned by Vinny, Jimmy, and other people. Jim --
18 no. Jimmy -- John Sorvino.
19 Q You mentioned Jimmy Santos. Who was Jimmy Santos?
20 A Jimmy Santos was a partner with Vinny, and Jimmy Burke,
21 and John Sorvino.
22 Q In what?
23 A In crime.
24 Q What does the name Afters refer to?
25 A Vinny gave it that name, like, Afters, after Lufthansa.

Q Where was Afters located?
A 86th Street and Rockaway Boulevard.
MS. ARGENTIERI: May I show something just to the witness?
THE COURT: Yes.
MS. ARGENTIERI: Government Exhibit 119.
Q Do you recognize that, sir?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government's Exhibit 119 was received in evidence.)
MS. ARGENTIERI: Maybe I publish?
THE COURT: Yes.
Q Looking at Government Exhibit 119, what is that?
A Afters, the first building to the left.
Q This first building with sort of the rock?
A Yes.
Q You what role did you play in Afters?
A I was the manager.
Q What did you do?
A Open it and close it.
Q What kind of club was it?
A It was -- they served supper, and we had entertainment.

1 It was a fancy nightspot.
2 Q What do you mean by fancy nightspot?
3 A Like a nightclub. We had strobe lighting, disco ball.
4 Q When you opened it, did you and Vinny renovate the
5 inside?
6 A Someone renovated for us, yeah.
7 Q What did you do to the inside?
8 A We put strip mirrors on, different types of mirrors, on
9 the bandstand, on the stage.
10 Q What, if any, celebrities performed there?
11 MS. MACEDONIO: Objection.
12 THE WITNESS: One --
13 THE COURT: Overruled.
14 THE WITNESS: Blondie, Gladys Knight and the Pips.
15 Q For how long was it open?
16 A About a year.
17 Q You said that you met Richard Eaton just that once at
18 Afters?
19 A Yes.
20 Q Who introduced you -- who introduced you to him on the
21 night that you met him?
22 A Jimmy Burke.
23 Q What did he say, if anything, when he introduced you to
24 him?
25 A This is a friend of mine from Florida, Richard, and this

1 is a friend of mine, Gary.
2 Q Do you remember what night of the week it was?
3 A Saturday.
4 Q Why do you say that?
5 A Because things had happened afterwards.
6 Q Were you present at a table for a discussion that night?
7 A Yes.
8 Q Who was sitting at that table?
9 A Richard Eaton, Jimmy Burke, John Motzalino (phonetic),
10 Frankie Burke, and myself.
11 Q Who is John Motzalino?
12 A An associate of the Luccheses.
13 Q What, if any, discussion did you hear?
14 A They were talking about a drug deal; they were laughing
15 about it. It happened in Florida.
16 Q What, if anything, did Richard Eaton eat that night?
17 A Shrimp Scampi.
18 Q Why do you remember that?
19 A Because after was something happened, and it always stuck
20 in my mind. I could never eat Shrimp Scampi again.
21 Q Where was the defendant that night.
22 A He was in Afters.
23 Q What time did Afters close that night, approximately?
24 A Three o'clock.
25 Q Who closed it?

A I did.
Q After you closed it, where did you go?
A To the White Castle.
Q To do what?
A Buy hamburgers.
Q What did you do after that?
A Took them home and had dinner with my wife.
Q After that?
A Went to sleep.
Q Where were you living, at that time?
A On Blake Avenue.
Q What happened next?
A There was a knock on my window. My bedroom was in the front, and I looked out the window. It was Jerry, so I went and let him in the hallway. And he told me my father sent me. He said we got to dig a hole. I said okay. I got dressed.
Q Who is Jerry, first of all?
A Vinny's son.
Q When he said my father sent me, who was he referring to?
A Vinny.
Q When he said we need to dig a hole, what did you think it was for?
A A body.
Q At that point, after you got dressed, where did you go?
A In the neighborhood there, in that area, to try to dig a

hole.
Q You said it's called down the hole. What is the area like? What does it look like?
A A lot of vacant lots.
Q Is it below sea level?
A Yes.
Q What, if any, tools did you have to try to dig a hole?
A Shovels, raking bar, a little kerosene.
Q Where did those tools come from?
A Defense (sic) truck.
Q At that time, did the defendant have a fence company?
A Yes.
Q Where was it located?
A On Rockaway Boulevard.
Q Was that somewhere near Afters?
A Two doors away.
Q What time of year was it when this happened?
A Winter.
Q You said you had kerosene. What did you try to do with Jerry?
A Tried to dig a hole. The kerosene was -- we poured it and lit it to try to thaw the ground out. It was frozen.
Q Were you able to dig a hole?
A No, we weren't able to dig the hole at all.
Q What happened next?

1 A Soon after that, Jimmy pulled up with John Montaleoni.
2 Frankie Burke pulled up, and Vinny pulled up.
3 Q They were in different cars?
4 A Yes.
5 Q What happened then?
6 A Said they couldn't dig. It was too hard, the ground.
7 Jimmy Burke, he said, well, you should have went down by the
8 water. Salt water by the beach that doesn't freeze because
9 there's a lot of salt in the ground. And I said, well -- I
10 says, you know, I didn't.
11 Q What happened?
12 A I said I didn't know that.
13 Q Who told you that? That was Jimmy Burke?
14 A Jimmy Burke.
15 Q What happened then?
16 A And he says, well, what are we going to do? I said
17 there's a trailer. There was a vacant trailer on the
18 property. And I said we can put him in that trailer, and I
19 could go down the block tomorrow. There was an excavator that
20 I knew, and tell him that I need a foundation dug around the
21 trailer, that we were going to make an office.
22 Q Who was the person who had the excavator?
23 A Jimmy Selda (phonetic).
24 Q Who was Jimmy Selda?
25 A A lifelong friend.

Q He lived down the hole?
A Yes.
Q Whose idea was it to put the body in the trailer?
A I really can't say.
Q Okay. Why was that trailer on your property? What was it for?
A It was from a stolen load of typewriters.
Q Who was the person that left it there?
A A guy named Tony Depatch.
MS. ARGENTIERI: Judge, can I ask the witness to just step down?
THE COURT: Yes.
MS. ARGENTIERI: Can you approach, sir?
THE COURT: Would you just move it way back so everybody can see it. Just push it even more back. Okay. So people at the defense table and the jurors can see it. That's fine.
Q Looking at this photo, on the bottom right, Government Exhibit 117-D on 117-1, can you just indicate where on your property the trailer was?
A (Indicating).
Q Turn so the jury can see you.
A (Indicating).
Q Indicating toward the corner.
A Adjacent to the house.

1 Q Adjacent to the house, to the fence. Okay. After you
2 decided -- after you and the others decided to put the body in
3 the trailer, what, if anything, happened?
4 A Jerry and I walked down to the trailer, and Frankie Burke
5 drove the car, backed it into the trailer; opened the trunk,
6 and Jerry and Frankie lifted the body and put it in the
7 trailer, and I closed the door on the trailer. And then Jerry
8 left to get a lock from the fence company to put on the
9 trailer.
10 Q When you saw the body, did you recognize it?
11 A Yes.
12 Q Who was it?
13 A Richie Eaton.
14 Q After Jerry went to get the lock, what happened then?
15 A Put the lock on the trailer, and we left until the
16 following day.
17 Q The following day, what happened?
18 A A cop knocked on the door and said it was a mafia hit
19 that took place outside the trailer. I says it's on my
20 mother's property, but we don't own it.
21 Q Back up a second. So the next day you said law
22 enforcement came to the house?
23 A Yes.
24 Q And where -- what was the address of the house?
25 A 1483 Blake.

1 Q And you said the police officer said to you what?
2 A That it looks like it was a mafia hit.
3 MS. MACEDONIO: Objection.
4 Q Prior to that --
5 THE COURT: Sustained.
6 MS. MACEDONIO: Move to strike.
7 THE COURT: I'm sorry?
8 MS. MACEDONIO: I move to strike the response.
9 THE COURT: Please don't consider it.
10 Q Do you know -- was that the first thing that happened
11 where you realized the body had been discovered?
12 A The kids were playing out near the trailer.
13 Q Where the trailer was located on your property, prior to
14 that, did the neighborhood kids play there?
15 A Yes, they used to hang out inside that trailer.
16 Q Was there anything else in it?
17 A A car seat. I used it a few times on highjackings; we
18 would keep the truck driver in there.
19 Q By the way, did you ever go to see Jimmy to ask about the
20 backhoe for the excavator?
21 A No.
22 Q What was the first thing that happened with regard to the
23 body being found?
24 A I went to see Vinny and told him that they found the
25 body.

1 Q When the law enforcement agencies approached you, did you
2 tell them the truth?
3 A No.
4 Q You didn't?
5 A No, I didn't.
6 Q What did you tell them?
7 A That I didn't know anything about it, but I did see a car
8 with two people in it during the week.
9 Q What did you say about what the people looked like?
10 A That they were black.
11 Q Why did you say that?
12 A To throw them off.
13 Q You said you then went to see the defendant?
14 A Yes.
15 Q Where did you do?
16 A To his house.
17 Q At that time, where did he live?
18 A On 835 and Pitkin.
19 Q What did you tell them?
20 A That they found the body.
21 Q What did he say?
22 A He said okay. Stay away from me. I'll let Jimmy know
23 what happened, and I'll get back to you.
24 Q What was your understanding of why he told you to stay
25 away from him?

A He didn't want, like, a trail leading to him, if anyone, you know, was following me and --

MS. MACEDONIO: May I be heard, Judge?

THE COURT: I'm sorry?

MS. MACEDONIO: May I be heard?

THE COURT: Yes.

(Sidebar.)

(Outside the presence of the jury.)

(Sidebar.)

THE COURT: We're getting close to -- this is beginning to suggest that the defendant was involved.

MS. ARGENTIERI: I'm done. My last question was going to be --

THE COURT: Even though you're done, is there an instruction you would like me to give to the jurors?

MS. MACEDONIO: Yes. I think we submitted it. No.

THE COURT: What do you want me to do?

MS. MACEDONIO: Now, I'll have to think off the cuff.

THE COURT: There is no evidence in this case that the defendant had any involvement at all in the murder.

MS. MACEDONIO: All right.

MS. ARGENTIERI: Only disposal of the body.

THE COURT: In the murder.

MS. ARGENTIERI: Okay.

(Sidebar concluded.)

(In the presence of the jury.)

THE COURT: Ladies and gentlemen, I simply want to instruct you so you will understand that there is no evidence whatsoever that the defendant had any involvement in the murder of Richard Eaton. Okay. So don't misunderstand anything that's been said.

And your lunch is here. How about I give you until 2 o'clock? Would that be all right. I know it's been a long morning. Okay.

(Outside the presence of the jury.)

THE COURT: Anything else we need to deal with?

MS. ARGENTIERI: No, Judge.

(Lunch recess.)

(Proceedings continued on the following page.)

1 **AFTERNOON SESSION**

2

3 (In open court - jury not present.)

4 MS. ARGENTIERI: I just wanted to raise the issue of
5 the Court's instruction about the murder of Richard Eaton. I
6 think that what you said is you should find the defendant had
7 nothing at all to do with this murder or the man's death, and
8 I think the way that you said it, I mean we are going to be
9 arguing that he was involved in --

10 THE COURT: I said he was not involved in the
11 murder. That's different from the cleanup.

12 MS. ARGENTIERI: Oh, okay.

13 THE COURT: That has always been what I understood.

14 MS. ARGENTIERI: Maybe I misheard it, and that's
15 correct.

16 THE COURT: Well, if you want to go back and later
17 have the court reporter deal with it, not now, the jury is
18 ready.

19 MS. ARGENTIERI: Okay.

20 THE COURT: Anything else? Okay.

21 (Pause in the proceedings.)

22 (The witness resumes the stand.)

23 (Jury enters.)

24 THE COURT: Good afternoon. Ms. Agentieri.

25 MS. ARGENTIERI: Thank you, Judge.

1 EXAMINATION CONTINUES
2 BY MS. ARGENTIERI:
3 Q I'm just going to remind you you are still under oath.
4 A Yes.
5 Q When we broke we were talking about the murder of Richard
6 Eaton.
7 What, if anything, did the defendant say to you
8 about who killed Richard Eaton?
9 A Jimmy Burke.
10 Q Following the death of Richard Eaton, was Jimmy Burke
11 arrested?
12 A Yes.
13 Q You talked about the Afters Lounge. Who did the
14 defendant rent that location from?
15 A Thomas Farano.
16 Q What property did Thomas Farano own?
17 A That complete block; Afters, the Park Haven, the fence
18 company and his house.
19 Q You say it was Afters, then Park Haven. What was Park
20 Haven?
21 A An auto body repair.
22 MS. ARGENTIERI: Can I have one second? I'm sorry,
23 Judge.
24 (Pause.)
25 MS. ARGENTIERI: Can I show something just to the

1 witness, Judge?
2 THE COURT: Yes.
3 BY MS. ARGENTIERI:
4 Q Government Exhibit 135. And there is a board that is
5 identical that's marked 135-1.
6 Sir, do you see that?
7 A Yes.
8 Q What is it?
9 A It's Afters, letter A; letter B is Park Haven; letter C
10 is the fence company; and letter D is the Villagio Italia,
11 which was an Italian restaurant.
12 Q Is this a map that you reviewed prior to coming here
13 today?
14 A Yes.
15 Q And is it a map of businesses around the Afters Lounge?
16 A Yes.
17 MS. ARGENTIERI: I offer it.
18 MS. MACEDONIO: No objection.
19 THE COURT: Admitted. You may publish.
20 (Government's Exhibits 135a, 135b, 135c, 135d and
21 135-1 were received in evidence.)
22 (Exhibit published.)
23 Q Looking at this map, is this yellow street Rockaway
24 Boulevard?
25 A Yes.

Q And then you said Afters. Is Afters reflected at letter A?
A Yes.
Q And then you said next to Afters was a business called Park Haven Towing?
A Yes.
Q Which was what kind of company?
A Auto body repair.
Q And who owned Park Haven Towing?
A A guy named Fat Joey, John Parrot and Eddie, and a guy named Vinnie.
Q That was at B?
A Yes.
Q What was at C?
A The fence company.
Q And at that time what was the name of the fence company?
A King.
Q Did the defendant have a series of fence companies?
A Yes.
Q Along with his son?
A Yes.
Q In later years?
A Yes.
Q And looking at D, what is that?
A It's an Italian restaurant.

Q What was the name of the Italian restaurant?
A Villagio Italia.
Q Who owned it?
A Dominic Caltaldo.
Q Who spent time at Afters in the year or so that it was open?
A Jimmy Burke, Angelo Sepe, Vic Amuso, Vinnie, myself, Frankie Burke, Jerry, Danny Rizzo, Henry Hill; so many of them.
Q And it was open at night?
A Yes.
Q You said that the defendant had fence companies and that one of them was named King. What were the name of the defendant's other fence companies?
A Astro.
Q What other businesses, legitimate businesses did the defendant own?
A A restaurant.
Q Where was the restaurant?
A In Long Island, the Five Town area.
Q Was that in the '90s?
A Yes.
Q Directing your attention to the 1970's, did you become aware of a dispute with Mickey Brown?
A Yes.

Q Who was Mickey Brown?
A He was a -- an associate of Dominic Caltaldo.
MS. ARGENTIERI: Can I show something just to the witness, Judge?
THE COURT: Yes.
BY MS. ARGENTIERI:
Q Government Exhibit 23. Do you recognize that person?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted, and you may publish.
(Government's Exhibit 23 was received in evidence.)
(Exhibit published.)
Q Who is that?
A Dominic Cataldo.
Q What crime family was Dominic Cataldo associated with?
A Colombo.
Q How did you first learn of the dispute?
A The defendant told me that Mickey Brown was gonna stop by with his nephew.
Q And where were you?
A At the fence company.
Q And you said that Dominic Cataldo was the individual who owned the restaurant down the block?
A Yes.

1 Q Villagio Italia?
2 A Yes.
3 Q What happened then?
4 A Mickey Brown came in with his nephew.
5 Q What was the dispute?
6 A Vinnie had an argument with the nephew about the girl
7 that worked, which was his wife, in the office.
8 Q In the office where?
9 A At the fence company.
10 Q What happened?
11 A He accused Vinnie for -- of seeing his wife.
12 Q What happened then?
13 A Vinnie got into a verbal argument with him and Vinnie
14 took out a gun and started shooting in the air and on the
15 ground.
16 Q Who else was there?
17 A Jerry.
18 Q What happened then?
19 A I grabbed the particular person, Mickey Brown's nephew,
20 to hold him 'cause he started to go towards Vinnie and Jerry
21 hit him in the head with a gun and the gun went off and hit --
22 hit the individual and he was bleeding.
23 Q What happened then?
24 A Mickey Brown took him to the hospital.
25 Q After that, what happened?

1 A Vinnie called Jimmy up, Jimmy Burke, and said that he had
2 a problem and Jimmy Burke came down.
3 Q What was your understanding of why Vinnie called Jimmy
4 Burke?
5 A Well, Jimmy was like -- well, really well-known and would
6 do what he had to do, basically, if there was a major problem
7 that was gonna be where someone was gonna get shot or whatever
8 it may be. So Jimmy, you know, being the caliber that he was
9 known for in his -- in the neighborhood, that's why he was
10 there.
11 Q What happened after Vinnie called Jimmy?
12 A Jimmy called someone else, a guy called Mitch, and he
13 brought a satchel full of guns with him to the fence company.
14 Q At that point who was at the fence company?
15 A Jerry, Vinnie and me.
16 Q And who came, Mitch?
17 A Yeah, and Mitch.
18 Q What did Mitch do with the guns?
19 A He left the case full of guns there and left.
20 Q What was your understanding of why the guns were brought
21 there?
22 A Because Mickey Brown might have come back with some other
23 people and -- you know, to dispute why he got shot, his nephew
24 got shot, and we were there to defend, you know, whatever took
25 place.

1 Q Was there blood in the fence company?
2 A Yes.
3 Q Where?
4 A On the rug.
5 Q What happened to the rug?
6 A Jimmy took a carpet knife and cut it out, cut a piece of
7 the rug away.
8 Q After he did that, what happened?
9 A He told Jerry and Vinnie to leave, that he and -- for me
10 to stay and we'll stay and if anybody came back we'll take
11 care of it.
12 Q What did that mean, if anybody came back you would take
13 care of it?
14 A If anybody came back, a dispute would happen, that Jimmy
15 and I would do the shooting. If there was shooting that was
16 going to be done or whatever was going to be done, it would
17 be --
18 Q How long -- I'm sorry. How long did you stay there with
19 Jimmy?
20 A Over an hour.
21 Q What happened then?
22 A Nothing, no one ever came back.
23 Q After that did you go to a meeting with Mickey Brown?
24 A Yes.
25 Q With who?

A Jimmy Burke.
Q Where did you go?
A To a car lot that he owned.
Q What happened?
A Jimmy -- they were like downstairs. We went down, Jimmy and I and Jimmy says: Listen, I'm gonna tell you now, this, what happened yesterday, is over and done with. Do you want to follow up, if you feel you're gonna do anything, he said, I'll kill you right here.

And Mickey said : Jimmy, I don't want no trouble with you, you know. I don't want no problems with nobody. What happened, happened, it's forgotten. Just let it go.

And Jimmy -- Jimmy said: I'd kill you if anything ever happened after this.

Q And was that done?
A Was what done?
Q I'm sorry, after that was it over?
A Yes.
Q After the Lufthansa heist, were you still involved in Vinnie Asaro's loansharking business?
A Yes.
Q After the robbery, what happened with the nature of the loansharking business or the size?
A It got bigger, larger money was given out.
Q And what was that money from?

A Lufthansa.
Q Who were the different people that were customers of your loansharking business with the defendant in the '80s and late '70s?
A Frankie Hot was a bookmaker; Noby was a number person who ran numbers; he was a controller; Anthony Santora and his partner, John.
Q John who?
A I forgot his last name.
Q Okay. What was your role with regard to the loansharking business?
A To collect money.
Q Where did you make collections in the late '70s?
A At the club.
Q What club?
A On -- across from the bank. John Zaffarano was also one of the customers.
MS. ARGENTIERI: Can I show the witness some photos, Judge?
THE COURT: Yes.
BY MS. ARGENTIERI:
Q Please look at the photos and tell me whether you recognize the people. 97a?
A Yes.
Q 97b?

A Yes.
Q 64?
A Yes.
Q 3a?
A Yes.
Q 3b?
A Yes.
MS. ARGENTIERI: I offer them.
MS. MACEDONIO: No objection.
THE COURT: Admitted, and you may publish.
(Government's Exhibits 97a, 97b, 64, 3a and 3b were received in evidence.)
(Exhibit published.)
BY MS. ARGENTIERI:
Q Showing 97a, who is that?
A John Zaffarano.
Q 97b?
A John Zaffarano.
Q What, if any, relationship did John Zaffarano have to Mickey Zaffarano?
A That was his son.
THE COURT: Which was which?
Q Which was the son?
A Mickey was the father.
Q Mickey was the father, so John was the --

1 A Son.
2 Q After the Lufthansa heist, what, if any, money did
3 Vincent Asaro lend to Mickey Zaffarano?
4 A A hundred-thousand.
5 Q How did that happen?
6 A Mickey came to the club and Vinnie gave him the money.
7 Q And do you remember how much money it was?
8 A A hundred-thousand.
9 Q And what were the terms of the loan?
10 A I think it was two points of interest.
11 Q How long did he have that loan?
12 A Maybe less than a year.
13 Q Did he pay it back?
14 A Yes.
15 Q What happened to Mickey Zaffarano?
16 A He died.
17 Q When, approximately?
18 A In the '80s.
19 Q Did you go to his funeral?
20 A Yes.
21 Q Who did you go with?
22 A Vinnie.
23 Q At Mickey Zaffarano's funeral, what, if any, discussion
24 did you have about the loan?
25 A Vinnie told his son, John Zaffarano, that his father owed

us a hundred-thousand dollars.
Q Was that true?
A No.
Q Had Mickey Zaffarano already paid back that loan?
A Yes.
Q Were you present for a discussion between Vinnie and John Zaffarano after the funeral?
A Yes.
Q Where?
A At the club.
Q What happened?
A Vinnie told him. You know, John says: Okay, I'll pay it. It's my father's debt, I'll take care of it.
Q And did he pay it?
A Yes. He used to pay it.
Q And just to be clear, he made a weekly interest payment on that loan?
A Yes.
Q You said it was at two points?
A Yes.
Q But it didn't diminish the principal due to the loan, right?
A Exactly.
Q Showing you Government Exhibit 64. Who is that?
A Johnny Stump.

1 Q Did he borrow money?
2 A Yes.
3 MS. MACEDONIO: Can we have a timeframe on some of
4 this?
5 BY MS. ARGENTIERI:
6 Q When was this?
7 A In the '80s.
8 Q Was it after the Lufthansa heist?
9 A Yes.
10 Q What business did Johnny Stump own?
11 A He had a little coffee shop.
12 Q And what loan did he take?
13 A I'm sorry?
14 Q How much money did he borrow?
15 A The loan was a few thousand dollars.
16 Q What was the interest charged?
17 A I think it was 2 percent also.
18 Q Is that how much you were generally putting money out on
19 the street for after the Lufthansa heist?
20 A Yes.
21 Q You said 2 percent interest?
22 A Yes.
23 Q Two points?
24 A Uh-hum.
25 Q Due weekly?

A Yes.
Q Did you collect payments from Johnny Stump?
A Sometimes.
Q Who did you give the money to?
A Vinnie.
Q The same with John Zaffarano, did you collect money from him?
A Yes.
Q Sometimes did he bring it to the club?
A Yes.
Q Who did you give the money to?
A Vinnie.
Q Government Exhibit 3a, who is that?
A Sammy Albano.
Q Government Exhibit 3b?
A Sammy Albano.
Q The same person?
A Yes.
Q Did he borrow money?
A Yes.
Q Same time period?
A Yes.
Q Do you remember the exact terms of his loan?
A About the same, I would say.
Q You also mentioned an individual Joe Santora?

A Yes.
Q And Noby, who is Noby?
A He was a controller, a number controller.
Q And where did you generally make collections?
A At the club.
Could I clarify something with the name?
Q Sure.
A The name -- because there's too many Johns. That name you asked me.
Q Yes.
A It's Rondinelli. John Rondinelli with Anthony Santora.
Q So the first John that you mentioned who borrowed money from the loansharking business --
A Yes.
Q -- is John Rondinelli?
A Yes.
Q Did he have a nickname?
A Not that I know of.
Q Okay. And that you're clarifying is different than this guy Johnny Stump?
A No, Johnny Stump was another customer.
Q So Johnny Rondinelli and Johnny Stump you're clarifying are not the same person?
A Correct.
Q Now, you testified that after Lufthansa that Mickey

1 Zaffarano borrowed a hundred-thousand dollars from the
2 defendant, correct?
3 A Yes.
4 Q That was different money than the hundred-thousand
5 dollars that was given to him in tribute, correct?
6 A Correct.
7 MS. ARGENTIERI: Judge, can I show just the witness
8 a photo?
9 THE COURT: Yes.
10 BY MS. ARGENTIERI:
11 Q Government Exhibit 90. Do you recognize --
12 A Noby.
13 MS. ARGENTIERI: Move to admit.
14 MS. MACEDONIO: No objection.
15 THE COURT: Admitted, and you may publish.
16 (Government's Exhibit 90 was received in evidence.)
17 (Exhibit published.)
18 Q Who is this person?
19 A Noby.
20 Q Do you know his real name?
21 A No.
22 Q He was another loanshark customer of the defendant's
23 after Lufthansa?
24 A Yes.
25 Q After John Zaffarano began paying back the money that

1 defendant said was owed, did he take out additional loans for
2 himself?
3 A Yes, he did.
4 Q And what did he say that those additional loans were for?
5 A Business loans. He needed to put a new marques up on
6 their theater, the Pussycat Theater.
7 Q Is that the same theater you referenced earlier?
8 A Yes.
9 Q After Mickey Zaffarano's death, who took over the
10 pornography business or the theaters in the city?
11 A His son, John Zaffarano.
12 Q You said he borrowed money for --
13 A A marques.
14 Q And did he make some additional --
15 A Yes.
16 Q -- an additional loan later?
17 A Yes, he took a few additional loans.
18 Q And how long did he pay those loans back?
19 A Two years.
20 Q And when you say pay them back, you mean make the weekly
21 vig payments?
22 A Correct.
23 Q Was the Pussycat Theater -- who was the Pussycat Theater
24 around after Mickey Zaffarano's death?
25 A More specific on that?

Q In organized crime.
A Vinnie.
Q Were you ever asked by the defendant to help service the pornography business?
A Yes.
Q Approximately how long after Mickey Zaffarano's death was that?
A Maybe two years.
Q What did the defendant tell you?
A Pertaining to what?
Q What did you have to do for the business?
A Oh, go to California.
Q What did he tell you was the issue?
A One of the stars at that time, her name was Marilyn Chambers, she owed -- she was under contract with Mickey for ten movies and she was doing business with some other people in California.
Q What did he ask you to do?
A To go and -- with John to California and sit down with these particular people and straighten it out, and he would make all the -- whatever he had to do to say that I was there to represent him.
Q Now, the Zaffaranos had several different businesses. They had a theater in the city, right?
A Right.

1 Q And they were also involved in making pornography?
2 A Yes.
3 Q So when you referenced this actress, she was an actress
4 in one of those movies?
5 A Correct.
6 Q Did you go to California with John?
7 A Yes.
8 Q And did you have a meeting?
9 A Yes, we did.
10 Q Who did you meet with?
11 A A wiseguy named Dino. Another guy named Stu Siegel.
12 Q What family were they associated with?
13 A The Gambinos.
14 Q What happened?
15 A They released her to John to make the -- you know, to
16 continue to make those ten movies, but John made some other
17 decisions later on that he didn't want to do it anymore with
18 her.
19 Q When you left California, had you resolved the dispute?
20 A Yes.
21 Q Did you go back and tell the defendant?
22 A Yes.
23 Q Did you get any money from that?
24 A No.
25 Q Did he?

A The defendant?
Q Yes.
A No.
Q And just because my math is a little bad, if the loan to Mickey Zaffarano was initially a hundred-thousand dollars and it was at two points, what was the weekly interest payment on that?
A 2,000.
Q Due weekly?
A Yes.
Q Just to jump forward a moment. In the mid to late 1980's, what, if anything, did John Zaffarano do with the Pussycat Theater property?
A He sold it.
Q And what was in that property?
A There were little stores, little peepshows, adult book stores.
Q Do you know what part of the city it was in?
A I think it was on 59th Street and Broadway.
Q Who owned the peepshow?
A Matty Ianniello.
Q Who is Matty Ianniello?
A He was a captain in the Genovese family.
Q How did you learn that John Zaffarano was going to sell those properties?

A Vinnie told me.
Q What happened?
A That John was gonna sell the properties and get out of the business. They were gonna move to Florida.
Q Was there a dispute with Matty Ianniello about the sale of the properties?
A Yes.
Q What happened?
A Matty wanted, because he was -- he would rent that store from him and being that John sold the business, Matty wanted a million dollars that he felt he would lose with John selling the properties. So he wanted a million dollars.
Q Did you participate in a meeting with the defendant and John Zaffarano about that?
A Yes.
Q And what did Vinnie tell John Zaffarano?
A That he has to -- things happened before that, but he has to pay Matty a million dollars.
Q What happened before that?
A Well, there was a meeting to discuss the situation with the million dollars.
Q Who went to that meeting?
A I did and Al Altruda.
Q Who sent you to that meeting?
A Vinnie.

Q Who was Al Altruda?
A He was an associate of Mickey, Uncle Mickey's.
Q Who were you going to meet with?
A Matty Ianniello.
Q Did you discuss that with the defendant before you went?
A Yes.
Q What did he tell you?
A He just says: You go, go with Al and Al will do the talking.
Q Where did you meet with him?
A RSVP, a restaurant in the city.
Q What part of the city?
A I think it's downtown.
Q Did you go to the meeting with Al Altruda?
A Yes.
Q What happened?
A Matty was really very annoyed and he said: What are you doing? He says: Where's Vinnie?

And Al said: No, I'm gonna --

He says: You're not gonna do anything, get out. Leave. He was really angry that Vinnie didn't show up. It was like disrespectful.
Q Are there rules in organized crime about meeting with people of the same rank?
A Yes.

Q What are the rules?
A You have to be -- in order to meet with somebody, you'd have to be a soldier or a captain to sit down.
Q And were you a --
A Unless -- unless -- you know, unless they prearranged something to say, look, I can't be here, give Gary the message. Like when I went to California in that situation.
Q And Matty was upset?
A Yes.
MS. ARGENTIERI: Judge, something just for the witness, Government Exhibit 51.
THE COURT: Yes.
BY MS. ARGENTIERI:
Q Do you recognize that person?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted, and you may publish.
(Government's Exhibit 51 was received in evidence.)
(Exhibit published.)
Q Who is that?
A Matty.
Q Does he have a nickname?
A Not that I know -- the Horse.
Q Matty the Horse?

A Yes.
Q After you met with Matty the Horse and he was angry, what did you do next?
A We went back to the club and told Vinnie what happened.
Q What happened then?
A And Vinnie says: Okay, I'll take care of it.
Q Did you talk about how angry Matty was with Vinnie?
A Yes.
Q What did he say?
A He says that he would take care of it.
Q What happened next?
A He took care of it.
Q Did you drive him?
A No.
Q How do you know he took care of it?
A He said it was all taken care of.
Q After that, did you have a meeting with Vinnie and John Zaffarano?
A Yes.
Q And what happened at that meeting?
A Vinnie told John that he has to pay the million dollars.
Q What did John say?
A He didn't want to pay it, but he did pay it.
Q Did Vinnie Asaro explain why John had to pay the money?
A Well, because Matty was a high ranking member of

1 organized crime and he was there all those years, rented that
2 place, and John just has to pay the money. Vinnie sat down
3 for him and this was a decision that came up.
4 Q Okay. And you said after that John paid the money?
5 A Yes.
6 Q At some point did the defendant ask John for money for
7 himself?
8 A Yes.
9 Q What happened?
10 A He told John: All these years that I've, you know, I
11 helped you and all the things I did for your dad, I think I'm
12 entitled to a million dollars on the property that you sold.
13 Q How much did John sell all the properties for?
14 A I couldn't be for sure, but I would say about 20 million.
15 Q Were you present for that meeting between Vinnie and
16 John?
17 A Yes.
18 Q What did John say?
19 A He just laughed about it and like he thought he was
20 joking. He says: No, I'm serious.
21 Q What happened next?
22 A I went to Florida a couple of months later.
23 Q Did John move to Florida?
24 A Yes.
25 Q Who moved with John to Florida?

A His mother, his cousin Matthew and his sister.
Q What's his mother's name?
A Rosalie.
Q Why did you go to Florida?
A To collect the money.
Q Who sent you?
A Vinnie.
Q Did you spend time with John in Florida?
A Yes.
Q What businesses did John have in Florida?
A He had a restaurant called Johnny's and he had a -- a big building. There are like eleven bars in this one particular place called Rum Bottoms.
Q Did he also have a boat?
A Yes.
Q What did his boat look like?
A Like a viking ship. It was a yacht.
Q When you were in Florida, what, if any, conversation did you have with John about the money?
A That he would go to the bank and get, you know, the money. He was only gonna give me -- he couldn't give me the whole million, he was only gonna give me 500,000.
Q Did he do that?
A Yes.
Q Did you carry it back up to New York?

A Yes.
Q Who did you give it to?
A Vinnie.
Q After that, did Vinnie demand more money?
A He wanted the additional 500,000.
Q Did John come up from Florida to meet with you?
MS. MACEDONIO: Objection to the leading nature of the questions, Your Honor.
THE COURT: Yes, you should try not to lead.
BY MS. ARGENTIERI:
Q What happened next?
THE COURT: I'm sorry?
MS. ARGENTIERI: I just asked the next question. I said what happened next?
THE COURT: Okay.
MS. ARGENTIERI: I thought that was less leading.
THE COURT: That will do it.
MS. ARGENTIERI: Okay.
Q What happened next?
A John came up and Vinnie spoke with him about the additional money.
Q Were you there for that?
A Yes.
Q Where did that meeting happen?
A At the club by the bank.

Q And what happened during that meeting?
A John said give him some time and he would get it.
Q And did he pay the rest of that money?
A Yes.
Q What, if any, money did you get from that?
A Nothing.
Q You said that previously that you'd burned things in your life; cars, a house. When, if ever, did you burn something with Jerry Asaro?
A A car and Afters.
Q Afters, the nightclub you were talking about?
A Yes.
Q You said the club was open for some period of time. What happened to the business at the club?
A It just fizzled out. There was no more business. Things got -- there was nothing left.
Q Did you learn that Farano had rented it to someone else?
A Yes.
MS. MACEDONIO: Objection.
Q How?
THE COURT: Excuse me. Is that again a leading question?
MS. MACEDONIO: Yes, I'm sorry.
MS. ARGENTIERI: Can we have a sidebar for a second?
THE COURT: Yes.

1 (Sidebar held outside the hearing of the jury.)
2 THE COURT: Ms. Macedonio, is any of this really
3 controversial? It just could take even longer.
4 MS. MACEDONIO: No, no, I understand, Judge, and I
5 really have been letting a lot of the leading questions go.
6 THE COURT: No, I understand that, but these, I
7 think, are not particularly relevant either.
8 MS. MACEDONIO: I would just ask the government to
9 just lead as little as possible. I understand, I don't want
10 us to take three days to get through this witness either, but
11 it's been going on and I've kind of reached my limit.
12 THE COURT: I understand.
13 MS. ARGENTIERI: I also was leading just there
14 because if you asked him what happened with Afters, he is
15 going to say -- in a non-leading way he would say: All these
16 people started getting killed and we had to close it down.
17 So, in fairness, the last question really was
18 directed at not eliciting something that you didn't want
19 elicited.
20 MS. MACEDONIO: Okay, thank you.
21 (Sidebar concluded.)
22 (Continued on the following page.)
23
24
25

(In open court - jury present.)

MS. ARGENTIERI: I'm sorry, I don't remember what the last question was.

(Question read.)

BY MS. ARGENTIERI:

Q What happened?

A Yes, it was rented to someone else.

Q How did you learn that?

A Through Vinnie.

Q What happened?

A Dominic, the owner of the Villagio Italia, told him that it was rented to black people as a black nightclub, supper club.

Q What did Dominic Cataldo say about that?

A He didn't appreciate that. It was a predominantly white neighborhood and he didn't want the black people involved into the neighborhood.

Q What did he ask you to do?

A Burn it down.

Q Who told you to burn it down?

A Vinnie.

Q What did he tell you about who to do it with?

A With Jerry.

Q His son?

A Yes.

Q What did you do?
A I burned it down.
Q On the night you went to burn it down, who were you with?
A Jerry.
Q What did you do to prepare?
A Took a can of gas, went through the building pouring gas on numerous places all around the building. And then the back door, we had a tennis ball that I poured gas on and Jerry lit the ball and I tossed it into the building so every time it hit a spot where the gas was it would ignite. And then we closed the back door, the side door, got in the car and left.
Q Did it burn down?
A Yeah.
Q After that, did you have a meeting with Dominic?
A Yes.
Q Who else was there?
A Jerry and Vinnie.
Q What happened?
A He gave us a hug and a kiss and a thank you.
Q In the early 1980's, what, if any, mechanic shops were around the defendant?
A Three Kings.
MS. ARGENTIERI: Judge, I have something that's in evidence, Government Exhibit 58.
Q Who is that?

A Joe Marsala.

(Exhibit published.)

BY MS. ARGENTIERI:

Q Who was he?

A He was around Vinnie.

Q What kind of business did he own?

A He had a tire shop and a gas station.

Q Did you ever spend time with the defendant and Joe Marsala?

A Yes.

Q Where?

A At the club, by the bank.

Q Which club, the club by the bank?

A Yes.

Q Where else?

A At the gas station.

Q Did you ever go to his business?

A Yes.

MS. ARGENTIERI: Can I show something just to the witness?

THE COURT: Yes.

Q What is that?

A That's the tire shop that Joe Marsala owned.

MS. ARGENTIERI: Move to admit.

MS. MACEDONIO: No objection.

MS. ARGENTIERI: Publish?
THE COURT: What's the number?
MS. ARGENTIERI: 134.
THE COURT: Admitted and publish.
(Government's Exhibit 134 was received in evidence.)
(Exhibit published.)
BY MS. ARGENTIERI:
Q Did he have different tire shops over time, different businesses?
A Yes, he had an Amoco gas station across from there.
Q When you observed the defendant with Joe Marsala, how did you see the defendant treat him?
A Well, there were good times and bad times.
Q What were they?
A The good times, you know, Joey would gas up his car no charge, lease the car for him no charge. They were partners in the shylock business.
Q What do you mean they were partners in the shylock business?
A They put money up together and Joey would put out the money.
Q Was his business around the defendant?
A I don't follow what you mean by that.
Q You said he was around the defendant, he was --
A He was an associate of Vinnie, yeah.

1 MS. MACEDONIO: Can we have a timeframe for this?
2 BY MS. ARGENTIERI:
3 Q Timeframe?
4 A I'm sorry?
5 Q When was this?
6 A In the '80s.
7 Q And as a benefit of being around, what were the benefits
8 that the defendant got from having Joe Marsala around him? I
9 think you said he got gas?
10 A Free gas. Joe rented him -- leased him a car.
11 Q What were the bad times?
12 A He started to complain about things, you know. You know,
13 I do this, I give you gas, you know, you never give me any
14 gratitude, no thankfulness or, you know, nothing.
15 THE COURT: Let me simply indicate, ladies and
16 gentlemen, I instructed you on this previously. Any
17 statements made by Mr. Marsala in connection with these
18 matters are not being received for the truth. Don't consider
19 them for the truth, just the fact that they were made.
20 All right?
21 Go ahead.
22 BY MS. ARGENTIERI:
23 Q How did the defendant treat him?
24 A Harsh.
25 Q What does that mean?

1 A You know, rude and crude. When he couldn't get certain
2 things, you know, and so they start to get tired of the abuse.
3 Q Who started to get tired of the abuse?
4 A Joe Marsala.
5 Q You said that they had a shylock business together?
6 A Yes.
7 Q What was Joe's role, Joe Marsala's role in the shylock
8 business?
9 A He would loan out the money.
10 Q And who would collect it?
11 A Joe Marsala.
12 Q And what would he do with the proceeds he collected?
13 A He would bring it to the club and give it to Vinnie.
14 Q What, if anything, did Vinnie tell you about trusting
15 Marsala?
16 A Don't trust him.
17 Q What did he say?
18 A He's a potential rat.
19 Q What happened with Joe Marsala?
20 A (No response.)
21 Q Did you become aware of a dispute involving Joe Marsala?
22 A Yes.
23 Q What did the defendant tell you was the dispute?
24 A That Sal Vitale, he moved into Howard Beach and he used
25 to stop in there for gas and Joey start complaining to Sal

that, you know, Vinnie, he leased Vinnie the car and Vinnie gets free gas. So he made complaints about Vinnie to Joe -- to Sal. And Sal came to the club and told Vinnie, you know, he says: Why don't you take it easy with the guy and, you know, don't abuse him. And Vinnie told Sal off.

Q What specifically did Vinnie say to Sal?

A It's none of your business. Don't get involved. The guy is with me. Sal was just an associate.

Q And what was Vinnie?

A Vinnie was a soldier.

Q Was there a sit-down over it?

A Yes.

Q What's a sit-down?

A A sit-down is when wiseguys, there's a dispute, they sit down to iron out these whatever the dispute is.

Q What was the result of the sit-down, was Joe Marsala around Vinnie anymore?

A Yeah, he still was.

MS. MACEDONIO: Objection.

(Sidebar held outside the hearing of the jury.)

(Continued on the following page.)

1 MS. MACEDONIO: I just think you need to lay a
2 little more foundation. You went right from there was a
3 sit-down, was he there?
4 MS. ARGENTIERI: What did Vinnie tell you?
5 MS. MACEDONIO: Yes.
6 MS. ARGENTIERI: Okay.
7 MS. MACEDONIO: What did Vinnie tell you?
8 MS. ARGENTIERI: Okay.
9 (Sidebar concluded.)
10 (Continued on the following page.)
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1 (In open court - jury present.)
2 EXAMINATION CONTINUES
3 BY MS. ARGENTIERI:
4 Q What did Vinnie tell you was the result of the sit-down?
5 A That he gave -- he gave Joey up to another person.
6 Q After that, did you go with Vinnie to see Joe Marsala?
7 A No.
8 Q When, if ever, did Vinnie ask you to go for a ride with
9 two individuals named Baldo and Caesar?
10 A Right after the sit-down.
11 Q Who were Baldo and Caesar?
12 A They were made members of the Bonanno crime family and
13 Caesar was on the committee.
14 Q What did the defendant ask you to do?
15 A Take a ride with him and Baldo and Caesar out to Long
16 Island.
17 Q At what time of day?
18 A Oh, it was maybe 2 or 3 o'clock in the morning.
19 Q Were you nervous?
20 A Yes.
21 Q Why?
22 A Why? They were members of organized crime and after the
23 sit-down, Vinnie wanted to sit-down and the person that was
24 involved in the sit-down was a boss and I felt that, you know,
25 he wanted a sit-down, but now, you know, going against the

1 boss really that we were gonna get killed.
2 Q What did Vinnie tell you about how he acted at the
3 sit-down?
4 A He voiced his opinion and he spoke in Sicilian to the
5 two, Caesar and Baldo, who were Sicilian; and the boss, he
6 didn't speak any Italian at all. He had -- they gave Vinnie
7 right.
8 Q Where did you go with Baldo and Caesar?
9 A Out to Long Island to look at a boat.
10 Q And what happened that night?
11 A We drove to the island. I believe it was Freeport. And
12 we drove through a marsh area and we got to the end of a marsh
13 near the water and there was a dock, and they got out and
14 they -- there was a boat with some people near it and they
15 said: Okay, thank you. That's the boat we're gonna buy.
16 Q Were you relieved?
17 A Yes, very much so.
18 Q Why did you go if you didn't want to go?
19 A I was directed to go by Vinnie.
20 Q In the early 1980's, did you leave New York City?
21 A Yes.
22 Q Approximately what year?
23 A '83.
24 Q Prior to you leaving, what, if any, argument did you and
25 the defendant have about money from the Lufthansa heist?

A It was around Christmas and he said: Get that money from downstairs, from my house we were at, he says, that Frankie brought to you, Frankie Burke. And I went and I took the package and I gave it to him and he opened it up and he says -- he went -- he was angry.

(Continued on the following page.)

1 Q Why was he angry?
2 A Because he said there should be 120,000 in that package,
3 and there was only 80,000. So he says you took $40,000 out of
4 here. I says, no, I didn't. I didn't.
5 Q Was it wrapped?
6 A Yes, it was wrapped.
7 Q How?
8 A In, like, a tissue paper.
9 Q Had you taken $40,000 out?
10 A No, I took 20,000.
11 Q How did you take it out with a tissue paper?
12 A I cut it with a razor blade, and with the saliva I just
13 went over it.
14 Q How angry was he?
15 A I'm sorry?
16 Q How mad was he?
17 A He was angry, very angry.
18 Q At that time, did you owe other money out?
19 A Yes.
20 Q Did you owe money to someone named -- someone around the
21 Gambino family?
22 A Yes.
23 Q For what?
24 A A what?
25 Q For what did you owe money?

A I borrowed it.
Q How much money?
A It was only a few thousand dollars, maybe 3,000.
Q Did you have other debts?
A Yes.
Q Related to gambling?
A Yes.
Q What debts?
A I borrowed money from different guys in organized crime.
Q What, if any, sports debt did you have with an officer around Joe Joe Corrazo (phonetic)?
A I met with his office. The sports book that he had, I owed him $7,000.
Q Did you have the money to pay it?
A No.
Q What happened?
A I tried to set up a meeting where I can give him so much, but he went to see Vinny about it.
Q Then what happened?
A We went to sit down to resolve the $7,000, and Joe Joe had a guy around him named Joe Balls, who owed Jerry, Vinny's son, 7,000.
Q Related to what?
A A share like mine.
Q And they just switched the loans. What does that mean?

A This kid Joey, Joe Balls, was around Joe Joe Corrazo. He was an associate of his, and I was Jerry's cousin, so they just switched the loan. It was like an equal loan. I would pay Jerry instead of paying Joe Joe. And this kid Joey, who owed the 7,000, would pay Joe Joe.

Q Let me show you something in evidence, Government Exhibit 26. What is that?

A Joe Joe Corrazo.

(Proceedings continued on the follow willing page.)

1 EXAMINATION CONTINUES
2 BY MS. ARGENTIERI:
3 Q After your loan was switched, who did you owe the money
4 to?
5 A Jerry.
6 Q Did you take out any loans to pay that back?
7 A Did I take out any loans from -- yes, to pay it back?
8 Q Yes.
9 A Yes, but I didn't pay it.
10 Q What happened?
11 A I continued to gamble.
12 Q Where did you take the loan from?
13 A I took money from numerous different guys; Vic, Bobby.
14 Q At some point did you take a mortgage out on your
15 mother's house?
16 A Yes.
17 Q Why?
18 A I owed Vinnie 25,000.
19 Q From what?
20 A One of his shylock customers Frankie, Frankie Hot, was a
21 bookmaker and he had a 25,000-dollar loan out and he paid it
22 back to me and I told him: Do me a favor, just say you gave
23 10,000. In a couple of weeks I will give you the other 15,000
24 to give to Vinnie. And he agreed to it. So I gave Vinnie
25 10,000, and then I kept 15,000 and paid the interest on that

1 for some time, a couple of weeks maybe.
2 Q Did you have a gambling problem?
3 A Yes.
4 Q You said that you left. Where did you go?
5 A To Las Vegas.
6 Q What prompted you to leave at the time that you left?
7 A Vinnie called me up and wanted to talk to me. He said it
8 was important and he would talk to me and he would meet me at
9 the office, which he meant the fence company, like 3 o'clock
10 in the morning. And I says, no; I says -- I said okay, but I
11 wouldn't go. I just left.
12 Q Why?
13 A Because he never told me -- asked me at all ever to meet
14 him at that time in the morning, at 3 o'clock in the morning.
15 Q What were you afraid of?
16 A Being killed.
17 Q What did you do?
18 A I left, I went to Vegas.
19 Q Why did you think that he was going to kill you, what had
20 you done?
21 A I owed a lot of money out and people start telling him.
22 Q What effect would that have on him?
23 A Well, it would make him look bad because I kept borrowing
24 money and not paying anyone and I was with him.
25 Q How long were you in Las Vegas?

A Maybe four or five months.
Q What did you do while you were there?
A I gambled.
Q Did you eventually come back to New York?
A Yes.
Q Why?
A I ran out of money. I couldn't do it no longer there.
Q When you moved back to New York, where did you live?
A My family lived on 79th Street and I was on the lamb staying at my mother's house, Blake Avenue.
Q What do you mean you were on the lamb?
A I was hiding.
Q Who were you hiding from?
A From Vinnie.
Q What happened then?
A I got a message from Jimmy Santos and he wanted to see me at his home. He says: Look, I got a score. I said: I can't do anything. I said: My cousin will kill me if he sees me if he knows I'm even talking to you or I'm around. And he says: Don't worry about it, I already spoke to him. He says: You want to go on the score, you could make enough money and get out of your troubles? And I says: Okay.
MS. ARGENTIERI: I'd like to show Government Exhibit 80 just to the witness.
BY MS. ARGENTIERI:

1 Q Do you recognize that person?
2 A Yes.
3 MS. ARGENTIERI: Move to admit.
4 MS. MACEDONIO: No objection.
5 THE COURT: Admitted, and you may publish.
6 MS. ARGENTIERI: Thank you, Judge.
7 (Government's Exhibit 80 was received in evidence.)
8 (Exhibit published.)
9 BY MS. ARGENTIERI:
10 Q Who is that?
11 A Jimmy Santos.
12 Q At that point how long had you known Jimmy Santos?
13 A From the late '60s.
14 Q And where did you spend time with Jimmy Santos?
15 A The Roberts Lounge.
16 Q After Jimmy Santos proposed a score to you, what happened
17 next?
18 A He told me he would pick me up the following day to go
19 see Vinnie at the club by the bank.
20 Q And when you say the club by the bank, where was that
21 club located?
22 A 101st Avenue between 75th and 76th Street.
23 MS. ARGENTIERI: Judge, I'd like to show some photos
24 just to the witness.
25 THE COURT: Fine.

BY MS. ARGENTIERI:
Q Government Exhibit 120a, do you see that?
A Yes.
Q Government Exhibit 120b, do you see that?
A Yes.
Q Government Exhibit 120c, do you see that?
A Yes.
Q Do you recognize those locations?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted, and you may publish.
(Government's Exhibits 120a, 120b and 120c were received in evidence.)
(Exhibit published.)
BY MS. ARGENTIERI:
Q What is that?
A This was the club.
Q Indicating the storefront between the tailor shop and the hairstylist?
A Yes.
Q Whose club was that?
A Vinnie's.
Q In what time period?
A Late '70s.

Q Into the 80's?
A Yes.
Q 120b, what is that a view of?
A The club.
Q Just a closer up?
A Yes.
Q 120c?
A That must have went right by; yeah.
Q Okay. What happened when you went to the club for the first time?
A Vinnie greeted me with a warm welcome, welcome back. And he said: Did Jimmy tell you? I says: Yeah. I says: Everything is okay? He says: Yes. He says: Do you want to do this score? He says: But I'm telling you now, everyone that you owe money to will be paid. I says: Okay.
Q Was Jerry Asaro also there?
A Yes.
Q What interaction did you have with him?
A There was no really reaction. He was very cold towards me and Vinnie says: Is that the way you greet your cousin? And he says: Ah, I -- I -- you know, he gave me a hug, but that was it.
Q What happened next with regard to the score?
A Jimmy explained to me what it was all about and that Danny Rizzo was supposed to do it, but they went four or five

1 times to do it and they couldn't do it, for whatever reasons.
2 Q Who was present when you discussed the score with Jimmy
3 Santos?
4 A Vinnie.
5 Q When Jimmy Santos said that Danny Rizzo was supposed to
6 do the score and didn't, who was Danny Rizzo?
7 A He was a made member of organized crime.
8 Q What family?
9 A The Luccheses.
10 Q What crime had you previously committed with Danny Rizzo?
11 A The Lufthansa.
12 Q What did Jimmy say you were going to be robbing?
13 A Gold salt.
14 Q What did he say to you about what that was?
15 A It's -- it's a -- like a detergent it looks like and they
16 use cyanide to cure it. They come -- they come in a can,
17 one-ounce cans and they add cyanide in the curing of it and it
18 turns into one piece of -- one ounce of gold.
19 Q What was your understanding of what you were going to do
20 with the gold salt once you had it?
21 A Jimmy had somebody in the city, an assay. They're called
22 assays. These people that cure all this.
23 Q Who else was supposed to participate in the score?
24 A A guy named Bobby Joyce, Dominic Cataldo and Jerry.
25 Q And who is Dominic Cataldo, have you testified about him

before?
A Yeah, he is a made member of the Colombos.
Q And what did you do for Dominic Cataldo at the defendant's direction?
A I burned down the nightclub Afters.
Q What did Jimmy tell you about why Dominic Cataldo was going to participate?
A Because he was a made member and he's in a lot of trouble with his organized crime family. He owes a lot of money out.
Q What, if anything, did Jimmy tell you about who Bobby Joyce was?
A That he was an associate of Dominic Cataldo.
MS. ARGENTIERI: Judge, I'd like to show something just to the witness.
THE COURT: Yes.
BY MS. ARGENTIERI:
Q Government Exhibit 53a. Do you recognize that person?
A Bobby Joyce.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted, and you may publish.
(Government's Exhibit 53a was received in evidence.)
(Exhibit published.)
MS. ARGENTIERI: Thank you.
Q That's Bobby Joyce?

A Yes.
Q Did you know him before this score?
A No.
Q And where did the meeting about the score take place?
A The club at the bank.
Q Whose club was that?
A Vinnie's.
Q Did you later have a meeting with Bobby Joyce and Dominic?
A Yes.
Q Who else was present at that meeting?
A Jimmy.
Q Anyone else?
A No.
Q What happened?
A We went to look at it. He showed me where it was, the route that the Fed Ex driver would take and --
Q What was the location you went to look at?
A In Freeport.
Q But what was it?
A It was like a -- a warehouse that produced this product.
Q And what was the plan for the score, what were you going to follow?
A It was loaded on a Fed Ex van and we were gonna follow the van and highjack the truck or if it made a stop or he

1 exited the truck for some reason and it was a good place to
2 execute it, we would do it.
3 Q When you went to go look at it, what car were you in?
4 A Our rented car.
5 Q With who?
6 A With Bobby Joyce.
7 Q Where were the other participants?
8 A In another rented car.
9 Q Where were they in relation to where you were?
10 A They followed us.
11 Q What, if anything, did Bobby tell you he wanted to do
12 with his end?
13 A He wanted to buy a white baby grand piano.
14 Q What did he tell you about what kinds of crimes he
15 committed?
16 A He would -- he was a safe person, burglarizing safes.
17 Q After you went and checked it out, what happened next?
18 A We went to do it.
19 Q Did there come a time when additional participants were
20 added?
21 A Yes.
22 Q What happened?
23 A Jerry was supposed to go with us, but later on Jimmy came
24 and says he had to let Jerry go because Funzi was in trouble.
25 Funzi was a made member of the Colombo crime family also.

Q Let's break that down a little bit. Who was supposed to participate in this score?
A Vinnie's son Jerry.
Q And where were you when you were told by Jimmy that Jerry couldn't participate, that Funzi needed to participate?
A At the club.
Q And who else was there with you?
A Vinnie.
Q What did Jimmy say about why he wanted Funzi to participate?
A Because Funzi was in trouble also, owed a lot of money out and he was a wiseguy.
Q What did Vinnie say when Jimmy said that Jerry shouldn't come?
A He didn't want that, he wanted Jerry to go.
Q Why?
A Well, it was another end for us.
Q For Vinnie?
A Yes.
MS. ARGENTIERI: Can I show something just to the witness, Judge?
THE COURT: Yes.
BY MS. ARGENTIERI:
Q Government Exhibit 88. Who is that?
A Funzi.

1 MS. ARGENTIERI: Move to admit.
2 MS. MACEDONIO: No objection.
3 THE COURT: Admitted.
4 MS. ARGENTIERI: May we publish?
5 THE COURT: Yes.
6 (Government's Exhibit 88 was received in evidence.)
7 (Exhibit published.)
8 BY MS. ARGENTIERI:
9 Q After it was decided that Funzi and Dominic would
10 participate, who was agreed that would get an end from the
11 score?
12 A Whoever was there.
13 Q Can you name the people who were going to profit from the
14 score?
15 A Oh, myself, Bobby Joyce, Little Dom, Jimmy Santos, Funzi
16 and Jimmy would take care of the tipster.
17 Q Was Vinnie going to receive an end?
18 A No.
19 Q What money was he going to receive?
20 A An end, half of whatever I had.
21 Q How many times did you attempt to carry out the robbery?
22 A Twice.
23 Q What happened the first time?
24 A It wasn't a good place to do it. He never stopped.
25 Q When you say he, who were you following?

A The driver.
Q The driver of what?
A Of the van, the Fed Ex van.
Q You didn't do it that time?
A No. He changed routes. He wasn't on the same route.
Q And where was this warehouse that you were describing, where was that located?
A In Freeport.
Q Where is that?
A On Long Island.
Q When you decided not to do it that time, where did you go afterwards?
A Back to the club.
Q What, if any, discussion did you have with the defendant?
A He said: What happened? And I said: Couldn't do it. The guy never made the stop. He changed routes.
Q What did the defendant say, if anything?
A He said: Oh, well, what are you gonna do, wait till next week again? I says: I guess so. He said: Okay.
Q Was he frustrated?
A No, not really.
Q What happened next?
A The following week we go again and there wasn't a good place to do it. We did the same thing; followed him, tailed him, and it just wasn't a good spot. He never actually -- he

1 would pull into a garage -- he would pull into different
2 areas. There were too many people around for us to do it.
3 And we came back and then Dominic felt there was a place we
4 could have done it and he started yelling and screaming at his
5 guy, Bobby Joyce. Why didn't you do it when you all were
6 there at the stop sign? You coulda did it. You know, they
7 were like three blocks away, so, you know, it's easy for them
8 to say. You know, they weren't --
9 Q Who was actually going to carry out the robbery?
10 A Bobby Joyce and myself.
11 Q And you were in one car?
12 A Yes.
13 Q And were you going to be armed?
14 A Yes.
15 Q Who was in the other car?
16 A Jimmy Santos, Funzi and Dominic Cataldo.
17 Q What role was that car going to play?
18 A Like a crash car.
19 Q What's the role of a crash car?
20 A If anything goes wrong, the cops start chasing you or
21 something, this car intervenes and crashes into the cop car.
22 Q After that day when there wasn't a convenient place to do
23 it, was there another day when you carried out the robbery?
24 A Yes.
25 Q That day, where did you meet up with everyone else?

A The same place, at the club.
Q Government Exhibit 120c, this club?
(Exhibit published.)
A Yes.
Q Who was there when you got there?
A Vinnie, Jimmy, and they were waiting for Dominic and Bobby Joyce and Dominic --
Q Dominic?
A Dominic Cataldo.
Q Did they arrive?
A Yes.
Q And then what happened?
A Then we got in the cars and we drove out to the island like we did the other two times, and then --
Q Were you armed?
A Yes.
Q What kind of gun did you have.
A A .38.
Q Where did you get the gun?
A Vinnie had given me the gun a long -- a while back.
Q Did you go to the warehouse?
A Yes.
Q Then what happened?
A We followed the truck from the loading dock and he made a stop in Freeport and he went into a building. He parked the

truck on the street and I said: This is when we're gonna do it. It was right in front of a church, but he went into the building and he -- I told Bobby, I says: This is where we're gonna take him. When he comes out of the building to get back into the car, into the van, this is where we'll take him. And he came back and we -- and I took him.

Take him means put the pistol to him and let him know what's going on. Basically, don't move. We're not here to hurt you. All we want is what you have in your truck.

MS. ARGENTIERI: I'm just going to show this to the witness, Judge.

THE COURT: Fine.

BY MS. ARGENTIERI:

Q Just say whether or not you recognize it. Government Exhibit 128a?

A Yes.

Q 128b?

A Yes.

Q 128c?

A Yes.

Q 128d?

A Yes.

Q 128e?

A Yes.

Q 128f?

A Yes.
Q 128g?
A Yes.
MS. ARGENTIERI: May I approach, Judge?
THE COURT: Yes.
BY MS. ARGENTIERI:
Q 128-1?
A Yes.
MS. ARGENTIERI: I move to admit them.
MS. MACEDONIO: No objection, Your Honor.
THE COURT: Admitted.
(Government's Exhibits 128a through 128g and 128-1 were received in evidence.)
THE COURT: And you may publish.
(Exhibit published.)
BY MS. ARGENTIERI:
Q What are those photos of, sir?
A The photos are of where the truck was parked.
Q Let's start with 128a. What is that a photo of?
MS. MACEDONIO: Is that what's on the board?
MS. ARGENTIERI: That's the last one, 128-1.
A That's the street where the truck was parked.
Q And can you indicate by touching the screen where was the truck parked?
A (So marked.)

1 BY MS. ARGENTIERI:
2 Q Indicating just to the right of the center of the photo,
3 for the record?
4 A Yes.
5 Q And why did you decide to stop the truck there?
6 A He stopped the truck.
7 Q I'm sorry, I'm sorry, that's bad; true.
8 Why did you decide to carry out the robbery there at
9 that location?
10 A Look at it. Nobody there. Perfect.
11 Q And 128b, what is that?
12 A That's the church.
13 Q And where was the church located in relation to where you
14 carried out the robbery?
15 A Right across from a building called The Heritage.
16 Q 128d, what is that?
17 A That's the building.
18 Q That's The Heritage --
19 A Yes.
20 Q -- you were just referring to?
21 A Yes.
22 Q And looking at this larger board, I don't know if the
23 witness could just step down for a second.
24 A I could see it.
25 Q I need you to indicate --

1 A You want me --
2 Q Yes, please.
3 A Oh, okay.
4 MS. ARGENTIERI: Judge, can the witness step down?
5 THE COURT: I'm sorry?
6 MS. ARGENTIERI: Can the witness step down?
7 THE COURT: Yes, yes; go right ahead.
8 (Continued on the following page.)
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1 Q So, Mr. Valenti, can you indicate on here where the truck
2 was parked?
3 A (Indicating).
4 MS. MACEDONIO: What's that particular photo?
5 MS. ARGENTIERI: This is a much larger version.
6 It's an actual panoramic, I think.
7 Q Can you indicate where the truck was parked.
8 A It's this area right here.
9 Q And can you indicate what building the FedEx driver went
10 into?
11 A This building right here.
12 MS. ARGENTIERI: Indicating across the street from
13 the spot the witness identified in the last photo, which is
14 sort of in the middle of the photo.
15 Q Where was Bobby parked with your car?
16 A Right here, right by the truck.
17 Q Had you pulled up behind the truck?
18 A No, in front of truck.
19 Q Thank you, Valenti. You may sit down.
20 So your role in the robbery was to stick up the
21 driver?
22 A Yes.
23 Q What was Bobby's role?
24 A To come along in case something happened and didn't work
25 out.

1 Q What was your understanding of why you and Bobby were
2 more directly involved than everyone in the other car?
3 A The other all had big-time records, and I didn't have a
4 record at all, basically, at that time. It was just a short
5 record I had.
6 Q When you say "record," what are you referring to?
7 A Jail time.
8 Q What happened when you approached the driver? Can you
9 describe to the jury?
10 A He was getting in his van. He opened his door. He got
11 in, and I approached him with a gun. I stuck a gun in as he
12 got in, and he closed the door, like, on my hand. And I
13 says -- and I forced the door open, and I says, listen -- I
14 says I'm not here to hurt you. All I want is what you have in
15 your truck. I says no one's going to hurt you. I says I know
16 it's not easy to relax but relax.
17 So I said just sit down between the two seats, and I
18 had to lean over to open the door for Bobby Joyce, my partner
19 in this particular crime? And Bobby got in, sat down, and --
20 next to the driver. And I said just make sure that he doesn't
21 hit any two-way radio switch, and basically that was it, and
22 we drove away.
23 Q Who took the car that you and Bobby had been in?
24 A One of the drivers. Maybe Fonzie (phonetic). I really
25 don't know who.

1 Q Someone from the other car?
2 A Yes.
3 Q Where did you put the driver physically in the truck?
4 A Between us.
5 Q How did you restrain him, if at all?
6 A He wasn't restrained at all in the truck. Just his hands
7 were behind his back.
8 Q What happened next?
9 A And we drove to a -- about a 20-minute ride. We were
10 still in Long Island, headed west, and then we went north, so
11 I don't know exactly what area I was in. We backed into a
12 garage at a home -- pretty sure it was a high ranch -- and
13 unloaded the cases. They were about this big. And each case
14 had a can or cans in them, numerous cans. They were about
15 that big (indicating).
16 They were silver cans, and Jimmy opened one, and he
17 said this is it. We got it. It was 3,000 or 3200 ounces of
18 gold salt. But it didn't say gold salt. So when he opened
19 the can, and he poured it in his hand, it looked like
20 detergent, like, Tide, or something like that. And I said,
21 oh, no, I said are you kidding me? I said this is another
22 thing that went wrong, another score that went wrong. He
23 says, no, no, this is it. This is it. He says they add
24 chemicals to it to turn it into solid gold. I couldn't
25 believe it.

1 And he came back the next day with this chunk of
2 gold, and that's what it was, one full ounce of pure gold into
3 a 3,000 -- or 3200 ounces of that. They add cyanide to cure
4 it, so you have to be essay (phonetic) to do this here.
5 Q Now?
6 A And they have flutes on their building to take away the
7 poison.
8 Q Just to go back for a second, when you got to the house,
9 at that point, did you restrain the driver?
10 A No, he wasn't in restraints.
11 Q Okay.
12 A Bobby watched him in front of the truck.
13 Q Okay. And you indicated how big the cans were. Can you
14 just do that again?
15 A About that big (indicating). Maybe a two-ounce can, but
16 there was only an ounce of --
17 MS. ARGENTIERI: He's indicating between 4 and
18 6 inches with his fingers.
19 THE WITNESS: Yeah.
20 Q And, also, did you at some point learn the victim's name,
21 the person you had robbed?
22 A Yeah. His name is -- I took his wallet to look at where
23 he lived, just to tell him I know where you live, and I know
24 it was Middle Village. I didn't write his address down or
25 anything.

1 Q Why did you tell him that?
2 A In case anything went wrong, we would tell him, you
3 know -- say, look, we know where you live Joe. This
4 particular's name was Joe. I know you live in Middle Village.
5 I'm writing your information down, but you really don't. It's
6 just to plant the seed in their mind.
7 Q What didn't you want him to do? What were you trying to
8 prevent him from doing?
9 A From telling any law enforcement. If I was to get
10 arrested or Bobby was to get arrested, he couldn't identify
11 us.
12 Q So sticking with the day of the robbery, after you
13 unloaded all of the boxes, where did you go after that?
14 A To the club.
15 Q Did you initially drop the driver off or --
16 A Yes, we dropped him off.
17 Q I'm sorry. Who drooped the driver off?
18 A Bobby and myself.
19 Q Where did you drop him off?
20 A Rockaway Avenue in Valley Stream. It was like a
21 shopping -- a little shopping development. That's when we
22 restrained him to the -- inside of the van.
23 Q Showing you 128F, what is that?
24 A That's changed since -- this is newer. When I dropped
25 him off, it was just a driveway in here. These stores weren't

1 here.
2 Q The Laundry Palace wasn't there in the 80s?
3 A Right.
4 Q Okay. But that's generally the area where you dropped
5 him off?
6 A Yeah. It was an alleyway behind the store.
7 Q After you dropped off the driver, where did you go?
8 A Back to the club.
9 Q What club?
10 A At a bank.
11 Q Who was there?
12 A Vinny.
13 Q What, if any, conversation did you have with him, at that
14 time?
15 A That I did it. You know, I made the score. I says I
16 can't believe it. I said I don't know if it's true or not. I
17 says because it looked like detergent. He says what are you
18 talking about? I says I don't know. I guess you'll know
19 tomorrow.
20 Jimmy had left when we were there, and he went to
21 the store, and he bought a couple cases of this detergent, and
22 emptied it out, and refilled it with all this gold salt to put
23 in so he could take it in his car. If he was to get stopped,
24 it just would have looked like, you know, detergent to wash
25 your clothes with.

1 Q So when you told the defendant you weren't sure, it look
2 liked detergent, what was his reaction?
3 A He says what are you talking about? Do you know what
4 you're talking about? I says, yeah, I did the score. Of
5 course I know what I'm talking about. I says it just
6 didn't -- I can't see them turning that stuff into gold.
7 Q At some point was the driver restrained?
8 A Yes.
9 Q When?
10 A When we got to the -- when we put him in, to drop him
11 off, we put him in the back of the van. We restrained him.
12 Q So after you unloaded the truck, you put the driver back
13 in the van?
14 A Correct.
15 Q The FedEx van?
16 A Yes.
17 Q And you restrained him?
18 A Yes.
19 Q Where did you bring him?
20 A To that area you just had on there.
21 Q Okay. And then what did you do then?
22 A I -- there were some people there, and I told them -- I
23 said, hey, somebody's yelling in the hallway there, in the
24 driveway. I didn't want to leave him in there by himself, the
25 guy, you know.

1 Q Restrained in the back of the truck?
2 A Yeah.
3 Q Okay. After you went back to the club and you told the
4 defendant you didn't think it was going to be good, what
5 happened next?
6 A The next day, Jimmy came in, and he showed us the piece
7 of gold.
8 Q What did he tell you about how the salts turn into gold?
9 A They use cyanide, poison, to mix it with other chemicals
10 and this gold salt, and it turns into a solid piece of gold.
11 It's gold to start with, so the cyanide just cubes (phonetic)
12 it.
13 Q And where did he bring that gold?
14 A He had a connection in the city.
15 Q And afternoon he had the sample, where did he show it to
16 you?
17 A At the club by the bank.
18 Q Who else was there?
19 A Vinny.
20 Q Following that meeting, how many different meetings did
21 you have about getting the money from the gold?
22 A Two or three at the most.
23 Q How much did you get from that robbery?
24 A I think -- let's see. About a hundred -- about $197,000.
25 Q Who gave you the money?

1 A Jimmy Santos.
2 Q Where did he give it to you?
3 A At a real estate office.
4 Q What, if any, money did you give the defendant from that
5 amount?
6 A I gave him half of it.
7 Q Why?
8 A He was my partner.
9 Q At that point in time, had he been promoted in organized
10 crime?
11 A Yeah, he became a captain.
12 Q Were you still around him?
13 A Yes.
14 Q What, if any, money was provided up in the Bonanno
15 family?
16 A Well, he says give me another 5,000. He said we got to
17 give this guy 10,000.
18 Q The witness indicated by touching his ear. What was your
19 understanding of who this guy was?
20 A Joe Massino.
21 Q How did you spend the money that you got?
22 A I gambled and bought a house.
23 Q Where did you buy a house?
24 A In Baldwin.
25 Q When you bought the house, what, if anything, did Vinny

1 say to you about it?
2 A Why'd you spend so much money?
3 Q What did he tell you?
4 A Just why did you spend so much money on a house?
5 Q How long did you have the house?
6 A Less than a year.
7 Q Did you pay back any of the money you owed?
8 A No.
9 MS. ARGENTIERI: Judge, I don't know if you want to
10 take a break now.
11 THE COURT: That's fine. Ten-minute break. Okay.
12 Resume at 4:00.
13 (Recess in proceedings.)
14 (Outside the presence of the jury.)
15 THE COURT: Ms. Argentieri, may I just see you for a
16 moment?
17 MS. ARGENTIERI: Yes.
18 (Discussion held off the record.)
19 THE COURT: Are we all ready?
20 MS. FERRONE: Yes, your Honor.
21 THE COURT: This was the longest break we've had.
22 (In the presence of the jury.).
23 THE COURT: Please be seated.
24 Ms. Argentieri.
25 Q Sir, just to remind you, you're still under oath.

A Yes.
Q What was your understanding of the total amount of money made as a result of the FedEx score? How much money?
A A million two, I believe.
MS. ARGENTIERI: Can I show something just to the witness?
THE COURT: Yes.
MS. ARGENTIERI: Government Exhibit 109.
Q What is that?
A It's a house that I lived in.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted. And you may publish.
(Government's Exhibit 109 was received in evidence.)
Q When did you live in that house?
A In the 70s.
Q Who did you live there with?
A My wife and children.
Q Where was that house?
A On Pitkin Avenue and 95th Street, I believe.
Q After the robbery of the FedEx truck, in the 80s, where did you spend time with the defendant?
A At the club, at a bank, racetracks.
Q What did the club by the bank look like inside?

1 A Basically it's one big room with a countertop and a
2 bathroom, and card table, tables and chairs.
3 Q Who came to that club across from the bank?
4 A I don't know by -- what do you mean who?
5 Q Who did you see? Who spent time there?
6 A People that came to gamble stopped by to say hello to
7 Vinny and myself; John Gotti, John Caneglia, Joe Massino, Sal
8 Vitale.
9 Q Who around Vinny came to that club?
10 A Myself, Jerry, Johnny, Bobby.
11 Q Did you -- I'm sorry. Did I interrupt you?
12 A No.
13 Q What, if any, other social clubs did you go to with the
14 defendant?
15 A Johnny Gotti's club.
16 Q Where was that club?
17 A Between 98th Street and 99th Street, 101st Avenue.
18 Q Did it have a name?
19 A Fish -- Bourbon Fish and something club.
20 Q What, if any, gambling went on at John Gotti's club?
21 A Card games, dice games.
22 Q Who did you go there with?
23 A With Vinny.
24 MS. ARGENTIERI: Can I show something just to the
25 witness, Judge?

1 THE COURT: Yes.
2 MS. ARGENTIERI: Government Exhibit 133A.
3 Q What is that location?
4 A It's John's club.
5 Q The club you were testifying about?
6 A Yes.
7 Q 133B.
8 A Johns club.
9 MS. ARGENTIERI: Move to admit.
10 MS. MACEDONIO: No objection.
11 THE COURT: Admitted and you pay publish.
12 (Government's Exhibit 133B was received in
13 evidence.)
14 Q Looking at this photo, who is in this picture?
15 A Billy Victor.
16 Q Can you indicate with your finger on the photo? Who was
17 Billy Victor?
18 A He's an associate of John's.
19 Q Who else?
20 A Vinny and John Gotti.
21 Q And what is that location?
22 A That's the club on 101st Avenue, between 98th and 99th
23 Street.
24 Q That's John's club?
25 A Yes.

Q Is it the brick building?
A Yes, where the two doors are.
Q 133B, is that the same location?
A Yes.
Q Who is in that photo?
A Mike Carrillo, an attorney; Billy Victor, an associate; Vinny; John Gotti; Angelo Ruggiero, an associate, a made member.
Q What family?
A The Gambinos.
Q What's his nickname?
A Quack Quack.
Q What other clubs did you go to with the defendant in the 80s?
A Sammy Albano.
Q Did you previously identify during your testify a photo of Sammy Albano?
A Yes.
Q Who was Sammy Albano?
A He's an associate of the Gambinos. He's with Tony Lee.
Q You previously identified a photo of Tony Lee?
A Yes.
Q Where did Sammy Albano have clubs in the 80s?
A On Horton Avenue, and Liberty, and Sutter Avenue, and 90 -- I think 92nd Street.

1 MS. ARGENTIERI: May I show something just to the
2 witness?
3 THE COURT: Yes.
4 Q Government Exhibit 125, do you recognize that?
5 A Yes. That's Sammy's club on Horton Avenue.
6 MS. ARGENTIERI: Move to admit.
7 MS. MACEDONIO: I'm sorry. No objection.
8 THE COURT: No objection?
9 MS. MACEDONIO: No.
10 THE COURT: Admitted. And you may publish.
11 (Government's Exhibit 125 was received in
12 evidence.)
13 Q I'm sorry. Which club was that?
14 A Sammy Albano.
15 Q Which location?
16 A Horton Avenue.
17 Q When you went to Sammy Albano's, club who did you go
18 with?
19 A Vinny.
20 Q Who would you see there?
21 A Sammy Albano, Chris, Joe Sentora, Robert Sentora, Frankie
22 Roda.
23 MS. ARGENTIERI: I believe -- is Government 43 in
24 evidence?
25 Can I show something just to the witness?

1 THE COURT: Yes.
2 MS. ARGENTIERI: Forty-three.
3 THE COURT: I don't know if it is or not.
4 MS. ARGENTIERI: I'm sorry, Judge, our paralegal's
5 indicating it's not in evidence.
6 THE COURT: Okay. Fine.
7 Q I'll just show this to the witness. Do you recognize
8 that photo?
9 A Yes.
10 MS. ARGENTIERI: Move to admit.
11 THE COURT: Any objection.
12 MS. MACEDONIO: No objection.
13 THE COURT: Admitted. And you may publish.
14 (Government's Exhibit 43 was received in evidence.)
15 Q Who is that?
16 A Vinny's nephew Ronnie.
17 Q What position did Ronnie have in organized crime?
18 A He was a soldier.
19 Q In the 80s?
20 A No, he was an associate.
21 Q You said he spent time at the club across from the bank?
22 A Yes.
23 Q What, if any, fights did you and the defendant get into
24 at the club across from the bank?
25 A A drugstore guy that -- he tried to settle (phonetic) the

1 drugstore that was on the block to close down, because he
2 didn't have a license to sell the prescriptions, so Vinny
3 defended the drugstore guy, and he -- we had an altercation
4 with this guy.
5 Q And what, if anything, did you have inside the club when
6 you got inside that fight?
7 A A pistol, baseball bat.
8 Q Anything else?
9 A No.
10 Q Did you ever go with the defendant to Cesar's club?
11 A Yes.
12 Q Where was it?
13 A In Brooklyn.
14 Q What did it look like?
15 A It was all marble and granite. It was on the second
16 floor.
17 Q Who did you see when you went there?
18 A Cesar, with a yellow sweater. Cesar Bonventre.
19 Q How did Cesar dress?
20 A Very sharp.
21 Q When you went there with the defendant, who else did you
22 see?
23 A I believe Baldo was there also.
24 Q Baldo, who you previously testified about?
25 A Yes.

Q Do you know Robert Giallanzo?
A Yes.
Q Who is he?
A Vinny's nephew.
Q How is the defendant related to him?
A His sister's son, which is my cousin.
Q Now, in the 1980s, had you previously testified about Robert Giallanzo. He had a business; right?
A Yes.
Q What business was that?
A Auto body.
Q That's where the dog was killed?
A Correct.
Q Who was Robert Giallanzo around?
A Vinny.
Q Government Exhibit 42, who is that?
A Bobby.
Q And how is he related to Ronnie?
A That's Ronnie's brother in the 1980s.
Q What, if any, discussion did you have with Bobby Giallanzo about his boat?
A That he had given his boat -- he was going to do an insurance job, and he gave it to another cousin of mine, Gary Ferreri in Long Island. He kept the boat.
Q What does it mean to do an insurance job?

A Just say that your boat was stolen, or set it on fire, and collect the insurance money for it.
Q And what did he tell you about where he was keeping the boat?
A He says that he's going to keep it out by -- he was keeping it out by Gary.
Q And who was Gary?
A Cousin of ours.
Q Of yours and of whose?
A Vinny.
Q Okay. Showing just the witness Government Exhibit 400, what is that?
A It looks like some kind of family tree.
Q Have you reviewed this prior to your testimony here today?
A Yes.
Q And is it a family tree of your relationship to Gary Ferreri?
A Yes.
Q And to the defendant?
A Yes.
Q And to the Giallanzos?
A Yes.
Q So fair to say there's a lot of Gary's in your family?
A Yes.

1 MS. ARGENTIERI: I move to admit it.
2 MS. MACEDONIO: Objection.
3 THE COURT: Admitted.
4 (Government's Exhibit 400 was received in
5 evidence.)
6 MS. ARGENTIERI: Can we publish it, Judge?
7 THE COURT: Yes.
8 Q Okay. Starting with you, who was your father?
9 A Anthony Valenti.
10 Q Did he have a sister Josephine?
11 A Yes.
12 Q Who is Josephine in relation to the defendant?
13 A His mother.
14 Q Now, who is Anita?
15 A Josephine's daughter.
16 Q Is that also Vinny's sister?
17 A Yes.
18 Q Who did Anita Mary?
19 A Richie Giallanzo.
20 Q Who are the children of Anita and Richard Giallanzo?
21 A Robert Giallanzo, Ronnie Giallanzo, and --
22 Q And others?
23 A Others, yes.
24 Q Is this certain of your relatives?
25 A I'm sorry?

Q Is this chart incomplete? Are there other relatives that aren't on here?
A Yes.
Q So Bobby and Ronnie Giallanzo are the defendant's nephews?
A Yes.
Q Your father's Anthony Valenti?
A Yes.
Q Did he have a sister Lena?
A Yes.
Q She had a son Gaspar Ferreri Sr.?
A Yes.
Q He had a son Gaspar Ferreri Jr.?
A Yes.
Q How are you related to Gaspar Ferreri Jr.?
A Cousin.
Q How is Vinny related to Gaspar Ferreri Jr.?
A Cousin.
Q Have you previously testified about Gary Ferreri Sr.?
A Yes.
Q Now, when Bobby Giallanzo came to you and said that he was going to leave this boat by Gary, who was he referring to?
A Gary Ferreri, Gaspar's son.
Q That's the person with the circle on this chart, Gary Ferreri junior?

A Yes.
Q Is Gary a nickname for Gaspar?
A Yes.
Q Is your name Gaspar?
A Yes.
Q What, if anything, did Bobby say to you about telling Vinny about his leaving the boat by Gary Ferreri Jr.?
A He didn't want Vinny to know.
Q Did he tell you why?
A He would be peeved about it because he's involving a family member in something he shouldn't be in, and that Terri would probably say something.
Q Who is Terri?
A Gary's mother.
Q Teresa Gallow on this chart?
A Yes.
Q Was Gary Ferreri Jr. Involved in organized crime?
A No.
Q Did you tell Vinny?
A Yes.
Q When?
A Not soon afterwards.
Q What did he say?
A He was very hot that he involved somebody in the family to do that insurance drop.

Q When you say "the family," you mean your blood family?
A My blood family, yes.
Q When you say "hot," what do you mean?
A He was mad.
Q What happened next?
A Terri called the Nassau County cops and told them of the plan to do the insurance job, which her son Gary told her about.
Q How did you learn that?
A Bobby got arrested.
Q Who told you Bobby got arrested?
A Vinny.
Q What did he say?
A Bobby got arrested for the boat.
Q What did he tell you about why he believed Bobby got arrested?
A Because Terri called the cops.
Q What was his demeanor when he told you that?
A He was hot, peeved.
Q What did he say?
A That she's a rat, rat, stool pigeon. She went and told the cops about the boat that was going to do the insurance job on it.
Q After that, what happened to Bobby Giallanzo?
A He went to jail, went to trial, and --

1 Q At that trial, who testified?
2 A Terri.
3 Q Who else?
4 A Gary.
5 Q Which Gary?
6 A Junior.
7 MS. ARGENTIERI: Showing something just to the
8 witness. Government Exhibit 40.
9 Q Do you recognize that person, sir?
10 A Yes.
11 MS. ARGENTIERI: Move to admit.
12 MS. MACEDONIO: No objection.
13 THE COURT: Admitted. And you may display.
14 (Government's Exhibit 40 was received in evidence.)
15 Q Who is that?
16 A Gary Ferreri Jr.
17 Q How did you know that Gary Ferreri Jr. testified at the
18 trial?
19 A Vinny told me.
20 Q What was his demeanor when he told you?
21 A Not pleasant, very unpleasant that he testified as a
22 stool pigeon, as a rat.
23 Q What was your understanding about why he was upset?
24 A Because you don't do things like that.
25 Q Like what?

A Talk to law enforcement agencies, and he should have known better.
Q What happened next?
A Bobby went to jail.
Q After Bobby went to jail, did you continue to discuss Gary Ferreri with Vinny?
A Off and on.
Q And who else?
A Jerry.
Q What were those discussions?
A Jerry wanted to kill him. Vinny said take it easy. You know, you're getting ahead of yourself. He's a rat. He's a stool pigeon. He's your cousin. Let's see what's going to happen with this.
Q After that, did you and Vinny see Gary Ferreri Jr.?
A Yes.
Q Where was he?
A He was working at Richie Logan, a bus company on Atlantic avenue.
Q When you saw him, did you say hi to him?
A No.
Q Why not?
A I was with Vinny. Vinny didn't speak to him, so I didn't speak to him.
Q What happened after that?

A Shortly after that, he left.
Q Who left?
A Gary.
Q Before Gary left, what happened?
A It was brought up again, about killing him.
Q Who brought it up?
A Jerry bought it up.
Q What did Vinny say?
A He said we'll do something. Just relax. Take it easy. Just relax. Stop pumping it up.
Q After that, what did he say to you?
A He said, you know, we're going to have to do something. And I went to my cousin, and I told him, my cousin, Gaspar, you know, have your son get out, leave. Something's going to be done, and if it happens, it's going to come through me. So I would forewarn you, because I could never do that to a -- I could never kill anyone and especially my cousin.
Q What about the last time that you discussed it with the defendant was different?
A I felt he really wanted to.
Q Is that why you warned your cousin?
A Yes.
Q Who did you warn specifically? Gary the father or Gary the son?
A The father.

1 Q What did you tell him?
2 A Have him get out of town. Go someplace. Just stay out
3 of sight. Out of sight, out of mind.
4 Q Did your cousin Gaspar, the father, get sick after that?
5 A Yes.
6 Q What happened to him?
7 A He got cancer.
8 Q Did he die?
9 A Yes.
10 Q Did you spend time with him before he died?
11 A Yes, I did.
12 Q What, if anything, did he say to you?
13 A He wanted to see Vinny. I speak to Vinny.
14 Q What did he say?
15 A I want to see Vinny. I want to tell him please protect
16 my son; don't let anything happen to him.
17 Q Did Gary Ferreri, the son, leave?
18 A Yes.
19 Q In the 1980s, did you commit other -- did you commit
20 attempted robberies with Jerry Sarro?
21 A Yes.
22 Q Now, after the FedEx heist, what, if any, trouble did you
23 get into with money?
24 A Gambling, borrowing money.
25 Q Who were you borrowing money from?

A Numerous different people. Wiseguys.
Q Were you making money any more?
A No.
Q Did you lose your house?
A Yes.
Q At some point, did you learn that the defendant was going to put your name in to be proposed?
A Yes.
Q What did he tell you?
A He put my name on a list with Jerry's.
Q What did that mean?
A A list is passed around to the five families to see if anyone feels that you shouldn't be straightened out, if you associate with law enforcement, or somebody in your family -- yeah, law enforcement, or you're an informant of any kind.
Q And in the 80s, were you an associate?
MS. MACEDONIO: Judge, can we be heard at sidebar briefly?
THE COURT: Yes.
(Sidebar.)
(Outside the presence of the jury.)

1

2 (Sidebar.)

3 MS. MACEDONIO: So I'm little slow on the uptake

4 here, but before we moved on from the -- what would be the

5 murder solicitation count, where the dying Gaspar Valenti

6 calls the witness in to say that he wants to see Vinny and

7 express his wishes that he should take care of his son, I

8 don't understand how that's not inadmissible hearsay.

9 MS. ARGENTIERI: I think it's a dying declaration.

10 He was dying.

11 THE COURT: Wait.

12 MS. MACEDONIO: You can have cancer for a long time.

13 THE COURT: I can't say it's a dying declaration. I

14 don't know what the --

15 MS. ARGENTIERI: I can elicit he was on his

16 deathbed, he was dying, and it was the last thing he was

17 concerned about.

18 MS. MACEDONIO: His last breath, that's what he

19 said.

20 MS. ARGENTIERI: If I can go back and do it, I think

21 you're just going to highlight it, but --

22 MS. MACEDONIO: I mean, it would have been nice.

23 MS. ARGENTIERI: He's going to say the guy died in

24 his arms, literally.

25 MS. MACEDONIO: Shortly after he made that

1 statement.
2 THE COURT: While making the statement.
3 MS. MACEDONIO: I mean, I don't think any of that.
4 Unless they can clearly establish that's a dying declaration,
5 which I don't think that they have, nor do I think that they
6 can, the fact that the guy at some point later died in his
7 arms --
8 THE COURT: I agree with you. Based on what I have
9 heard, this is something that should have been litigated
10 before, and there should have been a record before.
11 MS. MACEDONIO: I should have objected before.
12 THE COURT: Well, I'll instruct them to disregard
13 it.
14 MS. MACEDONIO: Thank you.
15 MS. ARGENTIERI: At any time, also a statement of
16 his existing mental state, like he was afraid for his son's
17 life.
18 THE COURT: Everything turns into that. You had a
19 way of calling everything.
20 MS. ARGENTIERI: That doesn't sound bad to me,
21 Judge. I got to take what I can get.
22 MS. MACEDONIO: We're trying to do our jobs.
23 THE COURT: I appreciate that.
24 (Sidebar concluded.)
25

1

2 (In the presence of the jury.)

3 THE COURT: Ladies and gentlemen, I want you to know

4 I am striking the testimony given by the witness about what he

5 was told by Fererri Sr., about what he wanted from the

6 defendant with respect to Gary Jr. Do you understand? The

7 exchange we just had, please don't consider it.

8 Go ahead.

9 Q I think when we left off, you were explaining what

10 happens with the name on the list?

11 A Yes.

12 Q What did defendant tell you about whose name he put on

13 the list?

14 A He put my name and Jerry's name on the list.

15 Q In what time period was this?

16 A In the 80s.

17 Q And at, the time, were you an associate?

18 A Yes.

19 Q What was Jerry's position?

20 A An associate.

21 Q And was Vinny a soldier?

22 A Yes.

23 Q What happened with the list?

24 A It was passed around, and it got to Matty the Horse, and

25 Matty the Horse had gotten arrested, so the list stopped going

1 around.
2 Q Matty the Horse, who you testified about earlier owned a
3 business?
4 A Yes.
5 Q How did you learn that?
6 A Through Siro.
7 Q Who was Siro?
8 A Siro Perone. He's with the Genovese -- he was a captain
9 in the Genovese crime family.
10 MS. ARGENTIERI: May I show something just to the
11 witness, Judge?
12 THE COURT: Yes.
13 Q Government 65. Do you recognize that?
14 A Yes.
15 MS. ARGENTIERI: Move to admit.
16 MS. MACEDONIO: No objection.
17 THE COURT: Admitted. You may publish.
18 (Government's Exhibit 65 was received in evidence.)
19 Q Who is that?
20 A Siro Perone.
21 Q Did you have two conversations with Siro about the list?
22 A Yes.
23 Q What was the first conversation?
24 A Congratulated me that I was on the list, and then the
25 second time he apologized that Matty got pinched by the list.

1 Q What was your understanding of why you couldn't be
2 straightened out after law enforcement had gotten the list at
3 that time?
4 A Because they closed the books, which means in organized
5 crime they're not going to make any members, any wiseguys made
6 members until they reopen the books again.
7 Q You said you attempted several robberies with Jerry
8 Asaro. What was the first robbery?
9 A I think the first one was the Halloween robbery.
10 Q Why do you refer to it as the Halloween robbery?
11 A It happened on Halloween, and we could wear Halloween
12 masks to disguise ourselves.
13 Q When did you first learn about that robbery?
14 A Jerry came to me with it.
15 Q What did you do?
16 A I told him did you speak to your father about it? And he
17 says, yes, he already spoken to Vinny about it.
18 Q Who else was going to be involved in that robbery?
19 A Frankie Lap and Jimmy.
20 Q Who was Frankie Lap?
21 A He was an associate of the Gambinos.
22 Q Did you testify earlier about Frankie laugh having a
23 hunting lodge with Jerry Losaro (phonetic)?
24 A Yes.
25 Q Who was the other person who was going to be involved?

A Frankie's partner Jimmy.

MS. ARGENTIERI: Can I show just two things to the witness?

THE COURT: Yes.

Q 54A, do you recognize that person?

A Yes.

Q 54B?

A Yes.

Q 39?

A Yes.

Q Move to admit?

MS. MACEDONIO: No objection.

THE COURT: Admitted and you may publish.

(Government's Exhibit 54A and B, and 39 was received in evidence.)

Q 54A, who is that?

A Frankie Lap.

Q 54B, who is that?

A Frankie Lap.

Q Same person?

A Yes.

Q Thirty-nine, who is that?

A Jimmy, Frankie's partner.

Q What happened first with regard to that robbery?

A I don't know. What do you mean what happened first?

1 Q Did you get together to plan the robbery?
2 A Yes, I met with Frankie.
3 Q What did he say?
4 A And went over the layout of it. He says he -- he was
5 sitting on it for quite some time. They mapped it out,
6 meaning they had followed the truck. They knew what route
7 that he went on and where we would be able to heist it.
8 Q What did he tell you that you were going to be robbing?
9 A An armored car, an armored van.
10 Q What, if anything, did he say to you of the amount of
11 money he thought would be in the van?
12 A More than a million.
13 Q After -- was it Jamie or Jimmy?
14 A Jimmy.
15 Q After Jimmy told you what the robbery was, did you
16 discuss it with the defendant?
17 A Yes.
18 Q What did you tell him?
19 A That it's over a million dollars in cash.
20 Q What did he say to you?
21 A He says, okay, you want to do it? I says, yeah. He said
22 okay. He says Jerry's going to go with Joe. I said, yes, you
23 just keep an eye on my son.
24 Q What happened next?
25 A We went out there to do it, and the truck came, just like

1 he said it would come, park where we were supposed to park.
2 One of the passenger's, armored guard, got out and went into
3 the supermarket, and that was our cue, because there was --
4 one guard in the van was to walk up alongside of it and heist
5 it.
6 Q Just taking you back for a second, what car did you use?
7 A We had a station wagon.
8 Q What was your role going to be?
9 A To first one, up front, to heist the driver.
10 Q What was Jerry's role going to be?
11 A Just to stay behind me.
12 Q What were Jimmy and Jamie going to do?
13 A Frankie was to come up the other side, not Jimmy.
14 Frankie was supposed to go on the driver's side, and Jimmy was
15 supposed to sit in the car behind the van. So I take the
16 driver out, put him in the van. I mean, to put him in the
17 car.
18 Q Where did you go? What did the location look like where
19 you went to sit on it?
20 A It was a strip mall, shopping mall, in Long Island.
21 Q And who was directing -- who was directing you?
22 A Frankie.
23 Q He's the one who had looked at it?
24 A And Jimmy both.
25 Q Did you have any weapons?

1 A Yes, we all had guns.
2 Q Now, you'd previously said that you timed it on
3 Halloween. Why was that?
4 A So we could weigh the bass and walk pretty much freely in
5 the parking lot without being, you know, noticed.
6 Q So what did you have with you? You had guns? You had
7 masks. Anything else?
8 A Gloves.
9 Q Why gloves?
10 A Fingerprints.
11 Q Where was the supermarket parking lot located?
12 A In Long Island. I don't know exactly where.
13 Q What happened when you got to the location?
14 A Everything worked the way they said it would. The truck
15 pulled in a certain spot. The armored driver passenger
16 sitting on the passenger side, he got out, went into the
17 supermarket, and that was our cue to make a move and to take
18 the driver. I went up, and Jerry was behind me, and as I
19 squeezed the button on the door to open it, it was locked.
20 And I could see the driver look through the mirror,
21 and he sat up and looked through the passenger mirror, and I
22 seen him turn his head and looking through the driver's side
23 mirror. And he could see the back of the van as we
24 back-pedalled into the car, got into the car and left. And he
25 knew -- the driver knew -- you could still see him in the

1 mirror -- that something was happening.
2 Q And up until that point, what had you been told about the
3 door?
4 A That it would be open.
5 Q That was part of the plan?
6 A Yes.
7 Q And how many men were originally in the van that you were
8 going to rob?
9 A Two.
10 Q And so when you got there, what did you see?
11 A Two men.
12 Q And then what happened?
13 A He exited, the one driver. The passenger, he exited.
14 Q And then after you realized that the passenger door was
15 locked?
16 A Right.
17 Q What did you do?
18 A We back-pedalled to the car, which was parked a couple of
19 cars behind.
20 Q And then where did you go?
21 A He dropped me off at home, and they went back into the
22 neighborhood. I lived in Baldwin, and I told Jerry tell your
23 father I'll see him tomorrow. I didn't want to hear any
24 yelling or screaming.
25 Q Why did you think the defendant would be yelling and

1 screaming?
2 A Because another thing that went wrong.
3 Q When was the next time you saw the defendant?
4 A The next day.
5 Q Where did you see him?
6 A At the club.
7 Q What happened?
8 A And I explained to him. He said can't do nothing right.
9 Nothing works right. You're just not doing nothing right
10 again.
11 Q What, if anything, did Jerry say, at that point?
12 A He sided with me and the rest of us. You know, we did
13 what we had to do. The door was locked. It wasn't my score,
14 or it wasn't Gary's score. You know, these other guys sat on
15 it.
16 Q When you said you went back to your house in Baldwin,
17 whose name was that house in?
18 A I really don't remember. I don't believe it was mine,
19 because I couldn't get a mortgage. It was either real estate
20 or maybe my sister.
21 Q What's the age difference between you and Vinny?
22 A Twelve years.
23 Q After that, the failed Halloween robbery, did you commit
24 a robbery with Frankie and Jimmy?
25 A Yes.

1 Q What was it?
2 A I highjacked a truck from a man, was sitting in Long
3 Island. Supposed to be a truck load of furs, mink coat.
4 Q Who told you about that score?
5 A Billy Bud.
6 Q Who is Billy Bud?
7 A Jimmy Santose's brother.
8 Q And what was the score?
9 A There was supposed to be -- the truck -- was supposed to
10 be a load of mink coats.
11 Q How did Billy Bud tell you he knew about it?
12 A His wife worked for the company.
13 MS. ARGENTIERI: Showing just the witness something,
14 Judge.
15 THE COURT: Yes.
16 MS. ARGENTIERI: Government Exhibit 81. Do you
17 recognize that person?
18 THE WITNESS: Billy Bud.
19 MS. ARGENTIERI: Move to admit.
20 MS. MACEDONIO: No objection.
21 THE COURT: Admitted.
22 (Government's Exhibit 81 was received in evidence.)
23 Q Who is that?
24 A Billy Bud.
25 Q How were you going to know which -- how were you going to

1 know which truck to take?
2 A Billy gave me a number on a truck.
3 MS. ARGENTIERI: I'm sorry?
4 Q When was this?
5 A In the 80s.
6 Q Who did you take on the score with you?
7 A Frankie Lap and Jimmy.
8 Q What, if any, discussion did you have with the defendant
9 prior to carrying out the score?
10 A I told him that Billy Bud had a score of mink coats
11 with -- man has -- his wife worked for the company, and he
12 gave me the truck number that the mink coats were going to be
13 on.
14 Q What did he say?
15 A Okay.
16 Q Did you go to do the score?
17 A Yes.
18 Q What happened?
19 A We did the score. Took -- we highjacked the truck, and
20 it was the wrong information we had. The truck was loaded
21 with all stuff from Filene's (phonetic) basement, a company
22 from Boston, and they handled numerous different things, very
23 low-grade stuff.
24 Q How did you commit the robbery? Were you armed?
25 A Yes.

1 Q Did you have masks?
2 A Yes.
3 Q What was your role in taking the truck?
4 A I took the driver.
5 Q What did Jimmy and Frankie do?
6 A Frankie drove the truck. I put the driver in the van and
7 road with Jimmy.
8 Q Where did you take the truck?
9 A To Jimmy Assalter's house.
10 Q Down the hall?
11 A Down the hall.
12 Q The same guy who had the backhoe?
13 A Yes.
14 Q When you unloaded the truck, what was in it?
15 A Numerous things; brassieres, shower curtains, towels,
16 gloves, shoes, just a mixed load, what they would say a mixed
17 load.
18 Q What did you do with the driver?
19 A Released him, brought him back to Valley Stream and
20 released him.
21 Q After the robbery, did you go to see the defendant?
22 A Yes.
23 Q What happened?
24 A He was very angry, because it wasn't what it was supposed
25 to be. The load of mink coats. He said you screwed up again.

1 You screwed up out there with the other thing, and now this
2 thing you screwed up again. He was very adamant about it.
3 Q You had taken the load of minks. Was the defendant going
4 to get an end?
5 A Yes.
6 Q What was the only thing of value in that truck?
7 A Isotoner gloves.
8 Q Who took the Isotoner gloves?
9 A Vinny.
10 Q What did he do with them?
11 A Sold them.
12 Q After that, were you involved in the attempted robbery of
13 an individual who had a payroll?
14 A Yes.
15 Q How did you first learn about that?
16 A Billy Bud again.
17 Q That's Jimmy Santose's brother?
18 A Yes.
19 Q What did he tell you?
20 A That this guy had an auto place, and he used to go to
21 Long Island to a bank and make payroll on a Friday.
22 Q What did he tell you about the amount of money that
23 should be in that score?
24 A More than 10,000. I couldn't tell you an exact figure.
25 Q Where were you when Billy Bud told you about the score?

A At the club.
Q When was this?
A In the 80s.
Q Did you get arrested for this?
A No.
Q You told the government about it as part of your cooperation, this score?
A Yes.
Q Some the mink score?
A Yes.
Q And the Halloween robbery?
A Yes.
Q And the FedEx robbery?
A Yes.
Q Were you arrested for any of those?
A No.
Q Do you have an exact date that they happened?
A The only exact date is Lufthansa.
Q After Billy Bud, what did Billy Bud say about where you were going to rob this individual?
A He gave me an address of a bank.
Q What did he tell you about when the individual would be there?
A On a Friday, between 9:00 o'clock and 11:00 o'clock.
Q When did he tell you about who you were going to rob?

A He had had an auto parts place.
Q After Billy Bud told you about the robbery -- by the way, where did he tell you about it?
A At the club.
Q Which one?
A At the bank.
Q After he told you about the robbery or when he told you about the robbery, was the defendant there?
A Yes.
Q What did the defendant say to you about this robbery?
A Take Jerry with you. Don't screw up.
Q Why did he tell you not to screw up?
A Because of the past, the Halloween, the mink.
Q What car did you and Jerry use to carry out this robbery?
A I don't remember that.
Q What happened when you went to do the robbery?
A We parked the car in the parking lot about a block away and waited for the individual who was making the payroll to come out of the bank and get into his car.
Q What happened then?
A Billy had given me a description of the person, the color of the car, the make of the car, and as this guy came out, there was a car there that fit the description, and the guy fit the description, and I heisted him. I put the pistol on him and put him in the back. Jerry came over. He got in.

1 Jerry drove. The guy was laying down on the backseat, and I
2 says how much money is in the bag. He had a bag with him. He
3 said there's no money in there. He just come from the
4 dentist. I went to the bank, and I opened the bag up and
5 there was in money in the bag.
6 Q What was in the bag?
7 A Just bank papers, and I thought he had a money belt on.
8 He didn't have no money belt on. He had no money in his
9 pockets, and I says, you know, wrong guy, wrong thing. And we
10 drove into Brooklyn, dropped him off, and then we went to meet
11 Vinny at the Todd Labarka (phonetic) club on Rockaway
12 Boulevard. 107th Street, I think it was.
13 Q Who was Todd Labarka?
14 A He was an associate of Tony Lee.
15 Q When you say Tony Lee, what family was Tony Lee?
16 A The Gambinos.
17 Q Was Todd Labarka associated with the Gambinos?
18 A Yes.
19 Q When you got to the club, did you have a discussion with
20 the defendant?
21 A Tony Labarka. I apologize if I said Todd. That's his
22 son.
23 Q Tony Labarka's club?
24 A Right.
25 Q When you got to the club, did you have a conversation

1 with the defendant?
2 A Yes.
3 Q What did he say?
4 A He says what happened? I says wrong guy. So he abused
5 me. Really put me down. Fonzy was there and other people.
6 He abused me to no end, and then Jerry stepped in and said why
7 are you yelling at him, screaming like a maniac for? It was
8 not his fault; I was there with him. And that was it. I
9 left. I walked out, and I walked a couple of miles to my
10 house, and I didn't speak to him for quite some time.
11 Q Why were you upset?
12 A Well, I was embarrassed, number one, because there were
13 wiseguys in the club, and he was yelling and screaming. And I
14 was upset that I didn't fulfill what I should have fulfilled,
15 but it wasn't my fault. You know, that was, like, the third
16 time I went and did something with -- two with Billy and one
17 with these other guys, and nothing panned out.
18 Q After a couple months, did you begin speaking to the
19 defendant again?
20 A It was longer than a couple of months, yeah.
21 Q In the late 1908s and early 1990s, did the defendant open
22 a restaurant?
23 A Yes.
24 Q What was it called?
25 A The Great Imposter.

Q Where was it located?
A In the Five Town Area.
Q What part of New York is that?
A Long Island.
MS. ARGENTIERI: Can I just show to the witness 111A and B, please?
THE COURT: Yes.
Q Just say whether or not you recognize it 122A?
A Yes.
Q 122B?
A Yes.
MS. ARGENTIERI: Move to admit.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government's Exhibit 122A, 122B were received in evidence.)
Q 122A, what is that?
A That's the restaurant.
Q 122B, what is that?
A The same restaurant.
Q What kind of restaurant was it?
A Like a pasta house, more or less.
Q What did the defendant tell you about where he got the money to open the restaurant?
A From a friend of his, a girl called Marcy.

1 Q And from anyone else?
2 A Marcy Patrone helped him.
3 Q Marcy Patrone you testified about before?
4 A Yes.
5 Q She was the lawyer?
6 A Yes.
7 Q Now, in the late 1980s, were you still working for the
8 defendant's loansharking business?
9 A Yes.
10 Q And who were his customers in that time period?
11 A Anthony Sentura (phonetic), Johnny Mandinelli. They
12 would drop off the payments at the restuarant, at that house.
13 Q Did you spend time at the restaurant?
14 A I was bartender.
15 Q And they made payment to the restaurant?
16 A Yes.
17 Q At that time, where was the defendant getting money for
18 the loan-shark business? Did he tell you?
19 A No.
20 Q Showing you government Exhibit 132.
21 MS. ARGENTIERI: Just the witness, please.
22 Q What is that?
23 A That's a check place on Cross Way Boulevard.
24 Q Were there other businesses located in that strip over
25 time?

A Yes.

MS. ARGENTIERI: Move to admit.

MS. MACEDONIO: No objection.

THE COURT: Admitted.

(Government's Exhibit 132 was received in evidence.)

Q Were any of the defendant's loan shark customers -- did they had businesses in that area?

A Yes.

Q Which one?

A Mike Patette (phonetic).

Q What business did Mike Patette own?

A Insurance, tax business and insurance.

Q And it was in that strip?

A Yes.

Q How much money did Mike Patette have out for the defendant?

A It depended. A couple thousand dollars.

Q At what rate?

A Two, three points.

Q Now, over the years that you helped the defendant to collect from his loansharking business, how much was the most that he was making on a routine basis?

A You mean, with everyone, 5,000.

Q I'm saying between the 1970s and 2008, when you

1 cooperated, based on your involvement in the defendant's
2 loansharking business, what was the most that he ever made a
3 week?
4 A Between 4- and 5,000.
5 Q Off of the interest payments?
6 A Yes.
7 Q And who were the people that dropped offer loan shark
8 payments at the restaurant?
9 A Anthony Sentura, Johnny Randelli (phonetic).
10 Q Now, in the late 80s and early 90s, was the defendant
11 promoted?
12 A Yes.
13 Q What was his position?
14 A He was captain.
15 Q Did the defendant tell you later what happened to his
16 business, what happened to the restaurant?
17 A Yeah.
18 Q What did he tell you?
19 A He had to sell the business because he was in a lot of
20 trouble with guys from the Bonanno family.
21 Q Who?
22 A Joe Massino.
23 Q What did he tell you about why he was in trouble?
24 A He owed a lot of money.
25 Q At around that same time, did the location of the

1 defendant's social club change?
2 A Yes.
3 Q When did it change?
4 A Late 80s.
5 Q What happened at the club by the bank?
6 A Closed down.
7 Q Why?
8 A He moved to a different place, a better location on 87th
9 street.
10 Q But why?
11 A It was hot, the FBI had taken pictures there of the bank.
12 Q Did you see people there taking pictures?
13 A Yes.
14 Q When you say it was hot, what does that mean?
15 A It was a spot not to go to, because pictures were being
16 taken. They were watching it on surveillance.
17 MS. ARGENTIERI: Showing just the witness, Judge,
18 Government Exhibit 124A, 124B?
19 Q Do you recognize those photos?
20 A Yes.
21 MS. ARGENTIERI: Move to admit.
22 MS. MACEDONIO: No objection.
23 THE COURT: Admitted.
24 (Government's Exhibit 124A, 124B were received in
25 evidence.)

Q Government Exhibit 124, what is that a photo of?
A Astro Fence and a club.
Q And is this the location the club moved to?
A Yes.
Q Can you indicate by touching the screen where the club moved?
A (Indicating).
Q Indicating the sort of stone front building?
A Yes.
Q And what is the business that's located next to it?
A This is the fence company.
Q What was the name of the fence company?
A Astro.
Q Government Exhibit 124B, just a different view. Yes?
A I'm sorry?
Q Is Government Exhibit 124B, a different view of the same property?
A Yes.
Q And what is the shape of the block in that area?
A Triangle.
Q Did you guys refer to it as the triangle?
A Yes.
Q Now, after the club moved to the triangle shop, did members of organized crime come there?
A Yes.

Q Who?
A Joe Massino, Sal Vitale, Tony Green, Louie Latrician, basically Jimmy Gallantee.
Q Now, were you ever present for a meeting about family business at that club?
A Yes.
Q What happened?
A About 25, 30 guys had a meeting in the back, outside in the yard. Jimmy Gallantee was saying all members now had to pay a hundred dollars a month to be a member of the organization as a duty to the family that money went to.
Q And what was your understanding of where that money was going to go?
A To the boss, held in lieu, in case someone got arrested there would be a fund for them.
Q What, if anything, did the defendant say about that?
A He was very angry. He said they're playing kids games. I didn't want to charge you to join the mafia, the organization.
MS. ARGENTIERI: Judge I'd like to show the defendant some photos, but I believe one of them --
Q Just say whether or not you recognize the photo, sir, Government Exhibit 68?
A Yes.
MS. ARGENTIERI: Move to admit.

1 MS. MACEDONIO: No objection.
2 THE COURT: Admitted.
3 (Government's Exhibit 68 was received in
4 evidence.)
5 Q Starting with Government Exhibit 86B, who is that?
6 A Spero.
7 Q Who is he in organized crime?
8 A He was a captain.
9 Q What family?
10 A Bonanno.
11 Q Did he come to that club?
12 A Yes.
13 Q Government Exhibit 92, who is that?
14 A Tony Ursa (phonetic).
15 Q What was his nickname?
16 A Tony Green.
17 Q Did he come to that club?
18 A Yes.
19 Q What was his position in organized crime?
20 A He was acting boss at one time.
21 Q Government Exhibit 83, who is that?
22 A Don't know.
23 Q Now, you testified that in the late 80s you were involved
24 in the defendant's loansharking business. At that time, was
25 the defendant himself borrowing money?

A Yes.
Q What happened to the money that the defendant borrowed from Anthony Spero?
A He gave it to me.
Q How much money was it?
A It was 20 something thousand.
Q What did he give it to you for?
A To bring it back to him.
Q To bring it back to who?
A Anthony Spero.
Q Did you?
A No.
Q What happened?
A I went there, and I told him that I left the money with the guy in the brown jacket.
Q What did you actually do with the money?
A Gambled it.
Q So he gave you the money, and he asked you to bring it to Anthony Spero?
A Right.
Q And you gambled it?
A Yes.
Q And then later you had a conversation with the defendant?
A Yes.
Q What did you tell them?

A That I gave it to a guy in a brown leather jacket.
Q Where?
A At Anthony Spero's club.
Q Where did Anthony Spero have a club?
A In Benson Hurst, Beth Avenue.
Q What happened next?
A I was to go there and see if I could find this guy with the brown jacket, so they wanted me to stop there next week.
Q Who told you that?
A Spero and Vinny.
Q After you told the defendant that, did you have another conversation with him and Anthony Spero?
A After I told him --
Q Stop you for a second. The defendant gave you the money?
A Yes.
Q Then after that, did you have a conversation with him where you told him what you did with the money?
A Yes.
Q Now, after that, did the defendant have a conversation with Spero that he told you about?
A Yes.
Q What did he tell you?
A Well, he didn't believe me, but he says you go to the club and see if you can find the guy that you told Spero that you gave the money to.

1 Q And did you go to the club?
2 A Yes.
3 Q What happened?
4 A And he says there's, like, 30, 40 guys that come here.
5 Basically everybody has a leather jacket. See if you could
6 find which guy you gave the money to, so I looked I pretended
7 to look. There was no guy with the brown leather jacket. In
8 the interim, somebody else came in from a different family,
9 and pointed to Spero. He told Spero is that the guy that said
10 he gave the money? You know, to this guy in the brown leather
11 jacket. And he said, yeah. He said I don't believe him, and
12 I said it's none of your business whether you believe me or
13 not. It's got nothing to do with you. His name was Frankie
14 DeCheeko (phonetic). And Spero says all right. Look, just
15 keep looking for this guy, and that was basically it with that
16 conversation.
17 Q Did you go back and talk about it with the defendant?
18 A Yes.
19 Q What did he tell you?
20 A He was peeved. He said they're going to kill you. I
21 know they want me to kill you. I should kill you. How could
22 you do something like that? And I denied it. I didn't say
23 that there was no guy.
24 Q Did he know you were lying?
25 MS. MACEDONIO: Objection.

1 MS. ARGENTIERI: Okay.
2 Q Did you believe he knew you were lying?
3 A Yes.
4 Q At that point, what did you decide to do?
5 A Leave.
6 Q Who else did you owe money to?
7 A Bobby Muso, Little Vick, I still owed a lot of money out.
8 Q So where did you decide to go?
9 A To Las Vegas.
10 Q And, at that time, what was your standing with the
11 defendant?
12 A Not good. We were -- you know, I just took off and left.
13 Q You were no longer earning?
14 A No.
15 MS. ARGENTIERI: Judge, is this a good time to break
16 for the day?
17 THE COURT: We can break. That's fine.
18 Ladies and gentlemen have a very nice night. Don't
19 talk about the case. We'll see you tomorrow morning.
20 (Outside the presence of the jury.)
21 THE COURT: About how much longer do you think
22 you'll be with this witness?
23 MS. ARGENTIERI: We're in 1990, so I would say and
24 we have a number of recordings to go through.
25 THE COURT: So he's going to be on the stand through

1 the recordings?
2 MS. ARGENTIERI: Yes. So I would say our direct is
3 probably four more hours.
4 THE COURT: Okay.
5 MS. ARGENTIERI: That's conservative.
6 THE COURT: I understand. It could be longer.
7 MS. ARGENTIERI: That's aggressive.
8 THE COURT: Well, we're nothing if not aggressive.
9 And I assume this is going to be a pretty long witness for
10 you; is that right?
11 MS. MACEDONIO: Yes.
12 THE COURT: Okay. Anything else we need to address
13 tonight?
14 MS. ARGENTIERI: No, Judge.
15 THE COURT: Have a lovely evening.
16 MS. ARGENTIERI: Thank you.
17 (Proceedings adjourned.)
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